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HOW BRITAIN IS GOVERNED

A CRITICAL ANALYSIS OF MODERN DEVELOPMENTS
IN THE BRITISH SYSTEM OF GOVERNMENT

by

RAMSAY MUIR

The generality of people are fifty years, at least, behind hand in their politicks.—BURKE.

FOURTH EDITION WITH A NEW PREFACE

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TO

A. BRYCE MUIR

PREFACE TO THE FOURTH EDITION

I

This book was written in 1929, and published in 1930; it appeared, that is to say, just at the beginning of the 'economic blizzard' which has brought in its train the most profound political consequences to this as to all other countries. In a new edition, published in 1933, which has been several times reprinted, I made certain minor alterations; but I did not attempt to evaluate the effects upon British institutions of the crisis, which was only then beginning to display its most serious consequences, with the rise to power of National Socialism in Germany.

Now that a new edition is called for, it seems to be essential that something should be said about the political developments of these critical years. But I do not think there is any need for a substantial recast of the book, or that the analysis of the working of our system which I made in 1929 has been in any way falsified by subsequent events. The tendencies which were then showing themselves have become more clear, and the dangers which I then indicated seem to me to have become more obvious. In short, my argument has rather been strengthened than vitiated.

Instead, therefore, of rewriting the book, I have decided to prefix to it a discussion of the constitutional developments of the last eight years. But I do not think it right to confine this discussion to Britain. The years of strain, felt in all countries, have influenced the systems of government of different countries in different ways. In Germany, for example, the tendency to party dictatorship, which in some degree existed

even in Britain, has been carried to its logical extreme. In Sweden, on the other hand, the democratic system, avoiding party dictatorship, has worked more successfully than in Britain. These contrasts are instructive, and they ought not to be disregarded.

The book as originally written was concerned solely with the working of democracy in Britain, and therefore it contained no reference, except casually and incidentally, to the experience of other countries. In this testing time for the system of democracy, it seems necessary to take a wider view. The discussion which follows is therefore not limited to Britain, but takes into consideration the fortunes of democracy in certain other countries.

II

The most striking political effect of the economic crisis in Britain was that it led to the establishment of a Conservative predominance so overwhelming as almost to amount to a party dictatorship. This was, in the main, due to the working of the electoral system.

In the summer of 1931, Britain found herself suddenly involved in an acute financial crisis. British credit was undermined in every part of the world, in spite of the fact that Britain was perfectly solvent, her realisable assets being immeasurably greater than her liabilities. Foreign owners who had deposited large amounts of capital in Britain because of her reputation for stability withdrew them on so large a scale that the result was, in a few weeks, to drive Britain off the Gold Standard. We are not here concerned with the economic aspects of the crisis, but solely with its political results.

A Labour Government was in office when the crisis broke out: it had been in office, without a parliamentary majority, for nearly two years, but had

refused to co-operate or consult with the Liberal Party, upon which its existence depended: an illustration of the rigidity of parties which had come to be a feature of the British system. It was by no means a competent Government; and when the crisis burst upon it, it was bewildered. In the national emergency, the leaders of both the other parties, Conservative and Liberal, offered their co-operation. But the Labour Party, though it had accepted nearly all the drastic economies that were demanded, refused, at the dictation of the Trade Union Congress, to agree to a reduction of unemployment pay, and resigned office. Its leading members, who were willing to face this step, then joined forces with the leaders of the other parties, and formed a National Government, to deal with the emergency.

This was a true National Government, formed solely to deal with the crisis. The leaders of all three parties gave formal pledges that as soon as the crisis had been met, the National Government would be dissolved, that the normal relations of parties would then be resumed, and that it would in no circumstances appeal to the country *as* a National Government. The Cabinet, reduced to ten members, was so constituted that no party had a majority over the other two. It was rightly hailed as a proof of the elasticity of the British system that such a device could be adopted to meet a crisis. A National Government of this kind, based upon the co-operation of all parties, can only exist when there is a single supreme issue upon which all are agreed, and which overrides all party differences; and these conditions existed in August 1931, when even the bulk of the Labour Party were agreed upon the main issue.

The National Government successfully achieved a part of its work. It passed an emergency Budget and a drastic Economy Act, which the nation loyally

accepted. It still had to adopt a normal Budget, to carry out a prepared scheme for the conversion of War Loan, which would have substantially reduced the national liabilities, and to put into effect a new scheme for dealing with unemployment relief. This might have taken six months, after which the task of the National Government would have been completed, and the formal pledges of its leaders could have been fulfilled.

But before the National Government had been in office for three weeks, a clamour arose that there should be an appeal to the country, a clamour which, for the moment, undermined the process of recovery by creating a sense of insecurity. It came mainly from the Conservatives, who saw a superb opportunity of establishing their power, and of introducing the system of protection which they had long advocated, and which they believed to be necessary for full recovery. The Labour Party was deeply discredited, and the Liberal Party was divided, half of its members in the House of Commons having (for one reason or another) accepted the panacea of protection. Moreover, the name 'National' Government was likely to be an electioneering asset.

After much discussion, the Government decided to disregard the pledges given by the three party leaders, and to appeal to the country as a National Government for what was called a 'Doctor's Mandate,' which would give them a free hand to do what they liked. It was also laid down that the question of Free Trade *versus* Protection should not be an issue in this election, and that there should be no permanent change in the country's fiscal system until an 'impartial and scientific enquiry' had been held.

In the ensuing election, the whole responsibility for a world-wide financial crisis was most unjustly laid upon the Labour Party; and an absurd panic was

worked up that British money would lose all its value unless the National Government was returned. Labour representation in Parliament was almoſt obliterated, and, although the Labour Party polled nearly seven million votes, all its responsible leaders were defeated. This was due to the ſyſtem of single member conſtituencies, in which a slight turnover of votes can produce absurdly disproportionate results.

Nor were the free-trade Liberals much more fortunate. Although they had supported the National Government, and it was underſtood that supporters of the National Government should not fight one another, and although it had been laid down that the queſtion of free trade *versus* protection was not an issue in the election, almoſt all the free-trade Liberals, even those who had been members of the Government, were opposed by Conservatives as well as by Labour, and moſt of them were defeated. The only Liberals or Labour men who were sure of Conservative support were those who had accepted the protectioniſt policy.

In these circumſtances, the election gave to the Conservatives a representation out of all proportion to their ſtrength in the country. They now had an immense majority over all other parties, and this had to be represented in the composition of the Cabinet, which ceased to show a balance of parties. The Conservative Party, and its ruling caucus, had, in effect, won a party dictatorship. On every queſtion it was sure of a sweeping majority, and opposition and criticism became futile.

Promptly a complete protectioniſt ſyſtem was introduced, without any pretence of a 'scientific and impartial enquiry.' In spite of this, the free-trade Liberals remained in the Government for a time, though their supporters in the country were clamouring for their withdrawal. Within a year the Ottawa Conference, which threatened (in their view) to add

gravely to the economic distress of the world, offered so complete a repudiation of their principles that they resigned. But the Liberals were so weak that their withdrawal made no difference. The Conservative domination was now unqualified.

It is true that a number of places in the Cabinet, out of proportion to their numbers, were given to those Liberals and Labour men who had swallowed protection, and thus some semblance of a 'National' Government was preserved. But these groups were now indistinguishable from Conservatives. They had scarcely any following in the country, and not one of them would have stood a chance of election in any constituency without Conservative support. While some Conservatives occasionally criticised the Government, no criticism came from Liberal Nationals or National Labour men. There was, in truth, no justification for their continued existence as separate parties, except that they gave a colourable pretext for the continuance of the name 'National' Government.

So overwhelming was the Conservative domination that its supporters were divided into shifts to ensure a permanent Government majority, and large numbers of them were thus released in turn from their parliamentary duties. Because every Government proposal was always automatically carried, this Parliament won the designation of the Rubber-Stamp Parliament. Its discussions seemed to be a mere beating of the air, all decisions being made by the Cabinet.

This state of things obviously did not reflect the balance of opinion in the country. Thanks to the working of the electoral system, the Conservatives obtained a seat in Parliament for every 28,000 votes cast for them; the Labour Party one for every 144,000 votes. It is impossible, from the figures of this election, to compute the electoral strength of the free-trade Liberals. Their exchequer was empty, and they could

only put forward a little over 100 candidates: in four-fifths of the constituencies, therefore, Liberals had no opportunity of expressing their opinion; a majority of them voted Conservative, a minority Labour. Even in the seats which they fought, they were handicapped by the widespread belief that it was useless to vote for a Party which could not form a Government—so deeply were the ideas rooted that the sole function of the electorate is to throw the handkerchief to one party caucus or another, giving it dictatorial power for the duration of a Parliament; and that independent criticism of Government is of no value. The psychological effects upon the electorate of the electoral system and of Cabinet dictatorship were thus even more important than their direct effects upon the working of democracy. The Liberals might count themselves fortunate in that, by concentrating upon the more hopeful constituencies, they got a seat for every 51,000 votes cast for them.

The dictatorial power which an overwhelming majority conferred upon the Government was used in ways which tended to undermine still further the authority of Parliament, and to strengthen the power of bureaucracy.

A Tariff Commission was set up, with power to propose higher tariffs, that is to say, higher rates of taxation: these proposals were carried automatically, almost without discussion, and Parliament's control over taxation was still further reduced. The agreements of Ottawa—also passed automatically—ordained that Parliament should increase a number of duties, and should be forbidden to alter them without the consent of the Dominions. No corresponding limits upon the power of the Dominions were accepted, or would have been considered, by the Dominions; and it was humorously urged that Britain should claim Dominion rights.

A body practically independent of Parliament was set up to control unemployment relief, and therefore to control the livelihood of hundreds of thousands of families.

For the purpose of making farming more prosperous, Marketing Boards were established. They wielded a high degree of legislative, administrative and even judicial power, without any real control by Parliament, and could (for example) impose heavy discretionary fines, without appeal to the courts of law, upon criminals guilty of selling cheap milk to poor people; the methods of these bodies were described, in at least one court of law, as a reversion to the methods of Star Chamber. One of the Acts which empowered the creation of these bodies was forced through all its stages in a single day, which implied that no member of Parliament could possibly have had time to understand what he was voting about. Yet when protests were made against arbitrary actions by these bodies, the Minister was able to reply that, by passing the Act, Parliament had deprived itself of the right or the power to protest.

Again, this Government introduced an Incitement to Sedition Bill, which would have empowered two policemen, on a warrant from a magistrate, to enter any house for the purpose of searching for books or pamphlets which, if given to soldiers or sailors, might have persuaded them that it was wrong to fight. Many people have in their houses copies of the Sermon on the Mount. Fortunately the worst features of this Bill were excised by a persistent opposition; but it was a strange thing that a nominally democratic government should, even by inadvertence, have introduced such a measure.

Yet again, an Official Secrets Act was carried which was in many ways so extravagant that it could be used for the restraint of legitimate journalism; and a

Conservative member of Parliament was threatened with penalties under this Act for the offence of disclosing, in a question, the unpreparedness of the Government to deal with a possible and even likely foreign attack.

In all these and in other ways it was made clear that the irresponsible power which can be wielded by a Government in command of an overwhelming and docile majority not only diminished the authority of Parliament, but endangered the traditional liberties of the people.

If it is to be successful, the parliamentary system requires that the proceedings of Government should be exposed to constant and watchful criticism—that what Burke called 'the control on behalf of the people' should be effective. Party dictatorship went so near to making criticism ineffectual that when a Liberal member introduced a resolution based upon a famous precedent of 1780—'that the power of the executive has increased, is increasing, and ought to be diminished'—the House was 'counted out,' because there were not enough members sufficiently interested to ensure that the debate should take place.

III

A part of the reason for the dictatorial conduct of government lay in the fact that the supreme concern in these years was foreign policy, in regard to which Governments have always asserted the need for reticence and the danger of public discussion.

British public opinion was preponderantly in support of the League of Nations, and believed that collective action against aggression was the only security for peace. The Government repeatedly asseverated that in its view the League must be the pivot of British policy. But the great majority of Conservatives,

instinctively suspicious of new ideas, were from the first distrustful of the League of Nations, although they paid lip-service to it.

Influenced by this atmosphere, the Government steadily disregarded its obligations under the League Covenant. It refused to do anything to check the Japanese aggression against China in 1931-2, and rejected an offer of co-operation from America: a refusal for which a very heavy price was to be paid in the future. It adopted a half-hearted attitude when a Disarmament Conference at length met in 1932; and the failure of this conference was largely responsible for the triumph of National Socialism in Germany in the next year. Towards the democratic Government of Germany, which was struggling against great difficulties, it was chilly and discouraging; but when the new Nazi regime showed itself truculent, and withdrew from the League, it was much more ready for concessions. It contributed largely to the failure of the World Economic Conference in 1933, which might have relieved the economic distresses that were among the chief causes of international tension.

In the years 1933-1935, the years when the tyrannous temper of the new German Government was displaying itself, public opinion was turning steadily against the Government. This was demonstrated by the remarkable result of a Peace Ballot which was held in 1934-5. In that year the Fascist Government of Italy was visibly planning its attack upon Abyssinia—the boldest and, in view of the geographical position of Abyssinia, an extremely risky challenge to the system of peace. The British Government did not warn Italy that it would oppose this venture, though this might have deterred her. But when the attack had been launched, the British Foreign Secretary at Geneva pledged his country to uphold the League system, and called upon all members

of the League to join in resistance to this act of aggression. Fifty nations answered the call; and if they had been well led, there can be no doubt that the Italian adventure would have failed, and that the system of collective security would have been firmly established.

This change of attitude was received with immense enthusiasm in Britain. The Government seized the opportunity to precipitate a General Election a year in advance of the legal term. It demanded endorsement of its League policy, and approval of rearmament for the maintenance of this policy. The opposition parties were robbed of their main ground of criticism; and (though there was a revival of Labour strength) the Government received a majority only less than that of 1931, and the party dictatorship was continued.

Thanks to the electoral system, the Conservative Party won a seat for every 27,000 votes cast in its favour, the Labour Party one for every 54,000 votes, the Liberal Party one for every 68,000 votes. Even if we disregard the other distorting influences of the electoral system, if the seats won had been in proportion to the votes cast, the Government would have won 323 seats, the Labour Party 237, and the Liberals 41. The Government would have had a majority, not of 241, but of 45; and parliamentary criticism would have been effective.

No sooner was the Government's majority secure than, in the Hoare-Laval agreement, it practically abandoned the collective system. This aroused such a storm that the Foreign Secretary had to be sacrificed. But it was not parliamentary criticism that brought about this surrender. It was an outburst of public indignation, in the press and otherwise, which showed that public opinion, though not Parliament, still had power.

Although the new Foreign Secretary was a strong supporter of the League, the Government, secure in

its parliamentary majority, did not attempt to fulfil its election pledges. It called off the 'economic sanctions' that had been directed against Italy, and later recognised the Italian conquest of Abyssinia, despite the barbarous methods by which it had been achieved, and the still continuing resistance of the Abyssinians.

When Germany, encouraged by this successful defiance of the system of peace, and with a complete disregard of formal pledges given by the Nazi Government, repudiated the Locarno treaty, and sent troops into the demilitarised Rhineland, the British Government contented itself with a verbal protest, though firm action at this moment would almost certainly have stopped this cynical disregard of treaties, and might have brought about the fall of the ugly Nazi regime of terror.

When civil war broke out in Spain, the British and French Governments proposed a Non-intervention Agreement, which Germany and Italy, now close allies, both joined. But from the first both countries, determined for strategic reasons to bring Spain under the control of an anti-democratic government dominated by themselves, cynically violated their pledges by pouring into Spain guns, aeroplanes, tanks and regular troops, without whose aid the Fascist revolt would have failed. The British Government must have been aware of this, because it was notorious and has since been admitted by both countries. It must have been aware that a Fascist control of Spain would be extremely dangerous to Britain and the British Empire. To Parliament it pleaded complete ignorance. It did nothing to check the danger, but kept the farce of the non-intervention committee in existence. It actually helped the Fascist cause by preventing the Spanish Government from acquiring the munitions it needed for its defence; and it looked on

calmly while Italian aeroplanes sank British trading vessels engaged upon their lawful business, and guaranteed by the presence of non-intervention officers, some of whom were killed. The motive for this policy was, no doubt, a fear lest any definite action might involve Britain in war; its result was to create a very dangerous situation should war arise.

The idea of collective security had been completely discarded. This became more clear when a new Prime Minister discarded the Foreign Secretary, who had strong League sympathies, and initiated a policy of striving to 'appease' the dictator-States, as the best way of securing peace. This implied trusting the word of rulers who had already made it abundantly clear that their pledges did not bind them when they had served their immediate purposes.

An agreement was made with Italy whereby she promised to withdraw her forces from Spain, and not to disturb the *status quo* in the Mediterranean. Her forces were not withdrawn; and the second part of her pledge was honoured in the breach by the utterly unjustified seizure of Albania.

But it was in the action of Germany that the fruits of appeasement were most clearly demonstrated. In defiance of repeated pledges, she occupied Austria and treated many of her people with brutal cruelty. This would not have happened if the combination of powers to resist aggression—collective security—had not broken down. Finally, the democratic State of Czechoslovakia was reduced to impotence by the enforced surrender to Germany of the Sudetenland, whose people had shown no desire to be included in the Nazi State, and the loss of which left Czechoslovakia defenceless, and opened to Germany the domination of south-eastern Europe. Czechoslovakia would have fought to defend herself, but she was forced to surrender by Britain and France, which

thus made themselves the agents of a tyrant power.

This was defended on the ground that it averted war. Perhaps it did; but only because the combination of peace-loving powers, which could have prevented war, had been broken up, and because the British Government had taken no precautions against air-raids. When the British people had recovered from their first emotions of relief, opinion began to swing strongly against the Government, not only because of the surrender at Munich, but because of the policy which had perhaps made it necessary.

But then came the final iniquity. What remained of Czechoslovakia—the purely Czech district which the British Government claimed to have saved from destruction, and had guaranteed to defend against any attack—was, without a semblance of justification, seized by Germany and subjected to a brutal reign of terror.

At last the Government of Britain realised that the pledges of the dictators could not be trusted, and that the policy which had been based upon the assumption that they could had been a mistake from the beginning. There was another sudden reversal of policy, and the Government set to work to build up a 'peace-front,' a system of collective security. But it found that this had now become no easy task. The strategic position of the democratic powers had been gravely weakened; all the more so because Japan, whose challenge had been disregarded in 1931, was now seriously threatening the interests of the trading nations in the Far East, and, in tacit alliance with the dictators of Europe, was imposing upon them unendurable humiliations. The great combination that had existed in 1935 had been destroyed; and the events of 1938 had created an atmosphere of suspicion and distrust.

IV

This lengthy discussion of foreign affairs may appear irrelevant to our main theme. I do not think it is;

for the deepening crisis of 1931-39 has had profound effects upon the working of the British system of Government. The reason for discussing these events is not to criticise the policy of the Government, which may have been right or wrong; but to bring out their effects upon British politics. They made possible the creation of a party dictatorship under the name of a National Government. By the profound differences of opinion which its development has produced, the crisis has destroyed the 'National' character of this Government, so far as it ever existed.

Yet it seems likely that that dictatorship will continue for another series of years. If it does continue, the reason will be that this dictatorship suffers from the defect inherent in all dictatorships—that it has almost destroyed the possibility of an alternative Government. The Labour Party, which is the official opposition, is profoundly distrusted by a large majority in the country. It is distrusted because of the incompetence of its leadership, because of the extreme rigidity of its party discipline, and because it refuses, even in a national emergency, to co-operate with any who will not swallow the whole socialist creed, in which many of its own members do not in their hearts believe. The Liberal Party, although the sentiment of the country is in the main Liberal, has been reduced to such impotence that few believe in the possibility of its recovery. Many of the ablest members of the Conservative Party are in revolt against the Government. But they are powerless so long as they 'accept the Government Whip'; and the tradition of rigid party loyalty is so strong amongst Conservatives, and the power of the party caucus is so great, that they cannot hope to achieve much by any thing short of a complete breakaway.

One of the consequences of the bewilderment which this confusing situation caused was an alarming increase

in abstentions from voting, which in many by-elections rose as high as 50 *per cent.* Large numbers of electors disapproved of the Government's policy; they would not vote Labour; and, even on the infrequent occasions when they were given an opportunity of doing so, they thought it useless to vote Liberal. They saw no practical alternative to the existing Government, even if they disapproved of it. But it is surely a very perturbing fact, ominous for the future of democracy, that 50 *per cent.* of the electors should refuse to use their votes at a time of national emergency whose seriousness everybody recognised.

Such are the results of party rigidity, and of the dictatorship of a party Cabinet, made possible by a vicious electoral system. These things have distorted the opinion of the country; have made it impossible for Parliament to perform its proper function, that of exercising control over the Government on behalf of the people; and—most serious of all—have seemed to exclude the possibility of an alternative government, which is the main safeguard provided by the parliamentary system against national disruption and violent upheaval. These are not the least serious results of the impact of an international crisis upon a system of government which already showed marked defects before the crisis arose, though nobody paid much attention to them.

V

With one exception the democracies which were established in Eastern Europe at the end of the war broke down, more or less completely. They broke down for two reasons. The first was that their peoples had had no training in the art of self-government. The second was that they all had to deal with large minorities of different stocks, which could not live easily together.

The one exception was Czechoslovakia. She was the one complete and stable democracy east of the Rhine. Though she had to deal with a population of mixed races, she dealt with the problem by giving to them all equal rights. She had a system of proportional representation, which secured to every racial element and to every political party representation in proportion to its strength; and her Cabinets were 'national governments,' inasmuch as they included members of all groups and parties which were loyal to the system. Only the more irreconcilable among the German-speaking population of Sudetenland stood out, and even they had no desire to break up the democratic State. Indeed, two German parties presently gave their support to the Government, and the rest would probably in time have come in, if they had not been kept in unrest by influences from without. But even the irreconcilables enjoyed complete freedom of speech and of the press, and full control of local government in the areas in which they predominated; they had their own schools, and even their own university.

Czechoslovakia was in the way of solving the problem of mixed races by means of the democratic method of equal rights, and was proving the superiority of that method over the method of brutal suppression which was followed in other States—notably in Germany. If time had been allowed for the healing of the rancours that had been born among the Czechs by three centuries of Austrian supremacy, and among the German-speakers (themselves of mixed race) by the recent loss of their old predominance, the problem would have been solved, and an example would have been set to other countries of mixed race. Unhappily time was not allowed; and the people of Czechoslovakia—Czechs, Slovaks, and German-speakers alike—are now enduring the miseries of ruthless tyranny.

In the other countries of Eaſtern and Central Europe, the breakdown of the democratic syſtem was followed by the eſtabliſhment of dictatorships, more or less veiled, and usually maintained by the Dictatorship of a single party or an allied group of parties, whose predominance was secured by the skilful management of elections, or the suppression of obſtreperous minorities.

Nowhere was the syſtem of party dictatorship carried to such extremes as in Italy after the eſtabliſhment of Fascism in 1922, and in Germany after the fall of the Weimar democracy in 1933. In these countries party dictatorship was enforced, not merely by the 'management' of elections, but by the ruthless prohibition of all parties but one, and by the total suppression of freedom of speech and of the preſs. The leaders of other parties, and the more energetic of their followers, were thrown, in Germany, into concentration camps, where (along with the unhappy Jews) they were bullied, flogged, tortured, and sometimes killed. That is one way of foſtering national unity. The inevitable result of this syſtem is that when these regimes fall—as fall they muſt, since humanity cannot long tolerate the denial of liberty—no alternative Government will be available, and chaos will result. It is sometimes urged that Fascism and Nazism muſt be upheld as the only safeguard againſt anarchy. The truth is rather that, sooner or later, they muſt make anarchy inevitable.

VI

There is a marked contraſt between the ineffective democracies of eaſtern and central Europe, and the small democratic States of weſtern and northern Europe. These little States—Switzerland, Belgium, Holland, Denmark, Norway, Sweden and Finland—are probably the beſt governed, the moſt peaceable

and the happiest States in the world. What is more, they have ridden out the economic crisis, on the whole, better than their greater neighbours.

Although they differ in many things, they are alike in this, that they are complete democracies, and that they all have electoral systems which give to every considerable body of opinion representation in proportion to its strength. This has not led—as it has sometimes been argued in England that it must lead—to instability of government. On the contrary, it has led to reasonable compromise between parties none of which can dominate over the rest, and consequently to the adoption of policies which are supported by the general opinion of the country. Under these systems the dictatorship of a single party is impossible; excitable anti-democratic movements, such as the Rexist movement in Belgium, have their full chance of expression, and die out quickly. Governments, moreover, though they seldom command independent party majorities, are usually long-lived. They rest upon a co-operation of parties. This is possible because, under the electoral system of these countries, the co-operating parties are not striving to destroy one another in single-member constituencies, since there is room for the representation of several parties in each constituency. The parties can therefore each put forward their own programmes at elections, and then find an honourable basis of co-operation when they come to Parliament.

Sweden may be taken as an illustration. That country has the unique distinction of having practically got rid of unemployment during the years of economic crisis, and this not, like the totalitarian countries, by forced labour, a reduced standard of living and bankrupt finance. On the contrary, the workers enjoy as much freedom as in Britain or in any other country; the standard of living has risen until it is as high as

in any European country, and much higher than in Germany; and the financial condition of Sweden is secure.

These results have been achieved under the rule of a Labour government which—far from being able to wield a party dictatorship—has never had a clear *majority*, and must therefore depend upon the co-operation of other parties. It is consequently compelled to be reasonable, and to put forward no proposals that are not likely to command the assent of the greater part of the country. It has practically dropped its theoretic Socialism, and has set itself, with great success, to bring about an improvement of social conditions by means that generally command the assent not only of Liberals, but also of Conservatives. These results have been made possible by an electoral system which makes party dictatorship impossible, which cultivates a spirit of reasonableness in all parties, and which, instead of creating political lethargy in the electorate, makes them feel that all their votes tell, and that all their parties have an effective share in the management of national affairs.

No doubt the problems of government are simpler in Sweden and the other small countries than they are in Britain or France. These countries have no heavy responsibility in foreign affairs, and (with the exceptions of Holland and Belgium) no gigantic empires to control. But this does not alter the fact that they have found their way to a method of managing their common affairs which produces real national agreement, and which is quite as effective in the foreign problems that concern them as any system of party dictatorship can be. Indeed, the Northern countries have contrived to attain a degree of common agreement not only in their mutual relations, but in their dealings with the rest of the world, which other countries may well envy.

The contraſt between Britain and these small countries muſt not be pressed too far. But at leaſt it should help us to realise that party dictatorship, rigid party discipline, and an electoral syſtem which diſtorts the opinion of the country, are not really necessary for the efficient working of a parliamentary syſtem; and that a genuine national unity can be achieved without overriding great bodies of opinion which have a right to be heard.

We are now engaged in a ſtruggle which may involve the very exiſtence or survival of democracy and liberty. It is essential, in such a crisis, that democracy should justify itself by being juſt and reasonable; and the responsibility for achieving this end reſts in a fuller degree upon Britain, the mother of Parliaments, than upon any other country.

RAMSAY MUIR.

PREFACE TO THE THIRD EDITION

For this re-issue I have carefully revised the book throughout, and have rewritten certain passages in the light of the events of the last two years.

Misgivings about the working of the parliamentary system of government have been spreading and deepening, under the strain of the world crisis through which we are passing. The wavering and irresolute policy pursued by the democratic states, at a time when clear and steady action was desperately needed, has unquestionably been due to the fact that all democratic governments act timidly, because they live in fear of misrepresentation by their political opponents: it is significant, for example, that the only European governments which have ventured to advocate a bold policy of disarmament have been those of Italy and Russia, which can disregard (because they can suppress) the criticism of their domestic opponents. And another source of weakness is the second-rate quality of the men whom the democratic system (in its present form) exalts to positions of leadership.

If democratic and representative government is to survive this testing time, it is clear that the defects of its working must not only be probed, as I have tried to probe them in this book, but must be amended by practical action. Is it too much to hope that the diminution of party spirit and the realignment of political forces which seem to have been brought about in Britain by the crisis of 1931 may afford the opportunity for a reformation of our political system? Hitherto every proposal of reform has been considered, by every political party, solely in the light of its probable

effects upon the party's prospects of winning and retaining power. Can we not, in this crisis, rise above mere calculations of party advantage, and strive to turn our system into a just and efficient machine of government?

This book is intended as a modest contribution towards that end.

RAMSAY MUIR.

Richmond, Surrey,
October 1932.

PREFACE

I HAVE tried, in the following pages, to take an independent, critical, and realistic view of the actual working of the British system of government. I have striven to free my mind from the hypnotism of accepted orthodoxies, to brush aside time-honoured theories and phrases, and to see things as they actually are. And, since merely negative criticism is not only unhelpful, but often positively misleading, I have also tried to show how the defects and distortions of our system (as they appear to me) might be amended without any revolutionary change.

What I have written commits, of course, nobody but myself. I scarcely hope that any reader will agree with everything in this book; but I should like to think that every reader will feel that the book is the outcome of honest and candid thinking, and that its author is as free from party bias as an active politician can be expected to be.

Two chapters of this book resemble, in substance, what I wrote twenty years ago in a little book called *Peers and Bureaucrats*. Many ideas propounded in this book were also set forth, in a more concrete and imaginative form, in a fantasy entitled *Robinson the Great*, which I published shortly before the election of 1929.

RAMSAY MUIR.

Richmond, Surrey,
December 1929.

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HOW BRITAIN IS GOVERNED

INTRODUCTION

I

THE primary purpose of this book is to examine, as objectively and impartially as possible, the actual working of representative democracy in post-war Britain; and to consider whether this system, in the form which has been given to it by the developments of the last half-century, is a just, healthy and efficient form of government, and how it can best be mended and improved.

There have been many excellent studies of the working of the British Constitution, and the subject is treated in a score of text-books. I make no apology for attempting yet another analysis. The conventions of the Constitution, and what may be called its 'spirit,' are constantly changing; the relative weight of its various elements alters insensibly from decade to decade; and the power that is wielded by sundry vitally important factors, such as party organisation, bureaucracy, and the popular Press, which are usually regarded—I cannot think why—as not forming a part of our machinery of government, waxes and wanes in a way that it is difficult to trace or measure. All these changes have been going forward at a rapid pace during the last two generations, since the days of Gladstone and Disraeli. With them has been combined another change, which Bagehot, with characteristic insight, described as the greatest of all—the

change of generation itself. "What we call the 'spirit' of politics," he wrote, "is more surely changed by a change of generation in the men than by any other change whatever"; and no generation has ever seen a greater change 'in the men' than that which included the Great War. Yet the writers of text-books, and most of the teachers in the Universities, continue to lay before their readers or pupils a description of our working system of government which may have been true in the middle of the nineteenth century, but which takes no account of the profound transformation that has since taken place. Burke was justified in his shrewd judgment that "the generality of people are fifty years, at least, behind hand in their politicks."

There is need, therefore, not merely for one, but possibly for many fresh surveys of our system, because different minds will evaluate differently the more elusive and imponderable aspects of the change that has taken place. The need is all the greater because confidence in the virtue of the system has been seriously and progressively undermined.

On the eve of the war, representative democracy, mostly of the British pattern, had become almost the accepted mark of a civilised State, and had spread to every part of the world. Russia and Turkey, the last to resist it in Europe, had both adopted constitutions of this pattern a few years before the war. Outside of Europe it had been adopted (either in its British or in its American form) not only in all the English-speaking lands, but also in Japan and in the South American countries; China was about to fall into anarchy in the attempt to adjust this system to her ancient civilisation; Persia had set up a colourable imitation of it; India and Egypt were in a state of incipient revolt because they had not yet been fully endowed with it. In short, it appeared that repre-

sentative democracy had become the characteristic form of organisation for the progressive modern State.

Yet even before the war there was an undercurrent of dissatisfaction; and since the war there has been a strong reaction. The Fascists of Italy and the Bolsheviks of Russia have not merely set up other systems, they have denounced parliamentary government as a fraud and a delusion. In other countries—Spain, Greece, Bulgaria, Jugo-Slavia, Poland, Lithuania—it has given place to dictatorships, either temporarily or for an indefinite period. Even in the countries whose peoples are most capable of working it, the system has been threatened once and again; and it is regarded, at the best, with a sort of tepid acquiescence very different from the enthusiasm which the idea of it aroused in the mid-nineteenth century.

Even in Britain, its original home, from which it has been spread over the face of the earth, the old prestige of Parliament has strangely waned. The newspapers now have little space for the proceedings of Parliament, the records of which, fifty years ago, filled their columns. And the great mass of the electors take their responsibilities very lightly, and only wake up to any semblance of interest in politics on the eve of an election. Then it is a question of giving power to one group of politicians or another. But once that question is decided, the pall of indifference descends again, to lift only momentarily if some sudden crisis comes. The democracy takes no interest in the ordinary proceedings of Parliament, which, in an earlier age, held the absorbed attention first of the aristocracy and then of the middle class.

What are the causes of this perturbing decline in the prestige of Parliament, this strange indifference to the privileges of citizenship, now that they are universally enjoyed? Is it that we do not value our rights when nobody disputes them? Is it that the

enormous extension of the franchise, like an inflation of the currency, has made the individual vote seem not worth having? If that be so, then democracy is a dangerous form of government, as any form of government must be whose controllers do not take a serious view of their responsibility. Is it that we are incredulous of the capacity of the average man to play the part assigned to him by a democratic system? Look at the faces of any crowd pouring out of a morning train on the way to work—some stupid, some harassed, some predatory, some vacuous, some trivial—and reflect that with them rests the determination of our destiny: however ardent a democrat you may be, you will have some moments of misgiving, and will be driven to ask yourself what provision our system makes for affording leadership, knowledge and understanding to these listless masters of our fate.

If indifference and inattention on the part of the ruling electorate is an inherent and unalterable characteristic of democracy, there will be good reason for misgiving as to the future. But the most ardent democrat has always known that the mass of men cannot be experts in politics, and can only give to political problems a small fraction of their attention. He has believed, on the other hand, that the democratic system is in itself educative, and that it will, if well used, bring home to all whom it enfranchises a sufficient sense of responsibility, and diffuse among them a sufficient grasp of broad political principles, to ensure reasonably sane and sound decisions upon the broad issues which can alone be submitted to them. Whether it can do this or not must depend upon how it is worked, and upon how it actually impresses the ordinary citizen.

When, therefore, we are faced by a general indifference to politics, we are bound to ask ourselves whether the way in which our system is worked has anything

to do with it; whether our methods of appealing to the electorate are such as to impress upon the ordinary man and woman a sense that they are being effectively taken into consultation, and are effectively contributing to the decision of great issues.

Looking at the matter from this angle, we cannot but conclude that there is something wrong. For what every voter must feel is, not merely that he is only one of millions, but that, even so, his chance of making his opinion felt is whittled away to the most tenuous proportions. His power is, in fact, limited to indicating a preference between two or three candidates whom (as a rule) he has had no voice in selecting. They may all be totally unknown to him; they may all seem to him objectionable, and unfit for the performance of important public functions; but he must either make a choice between them, or abdicate his civic right. Moreover, he knows that unless his vote happens to be cast for a winner, it will count for nothing at all: a large majority of the votes cast in any general election are simply thrown away, and have not the slightest influence upon the composition of Parliament, or upon the course of events. Whether this is an inevitable feature of the democratic system or not will be discussed later. But it is clear that so long as these things are so, it must be unreasonable to expect the average elector to take a serious interest in the use of his vote.

That is one cause of scepticism and disillusion about representative government. Another is the widely diffused idea that the proceedings of Parliament are largely unreal, a mere waste of time, a beating of the air. Little as the ordinary man knows about parliamentary procedure, he knows this, that when the representatives of the nation take their places in Parliament, they array themselves in two hostile armies, one supporting, the other opposing, the Government

of the day. Normally the supporters of the Government form a clear majority, and we are told that the parliamentary system can only work efficiently when this is the case. In these circumstances, the Government wields a sort of dictatorship; it lays down what the House of Commons may discuss, and the results of all debates appear to be foregone conclusions. On the other hand, the Opposition acts upon the pestilent doctrine that it is the duty of an Opposition to oppose: its primary aim is to discredit the Government, in the hope of ousting it and taking its place. This is what is called the Two-party system, and we are told that it is a monument of human wisdom. But the ordinary man finds a difficulty in believing in it. It seems to him unnatural to assume either that the Government can always be right, or that it can always be wrong. It seems to him that supporters of the Government must often vote in favour of things which they know to be wrong, and that members of the Opposition must often vote against things which they know to be right. It seems to him that in such circumstances debate and discussion must often be unreal and insincere; and that in any case they must be a mere waste of time, since their results are predetermined. And so he loses patience with what seem to him to be the artificiality and insincerity of parliamentary politics.

Time was when the eternal dog-fight between the 'ins' and the 'outs' did not evoke the impatience which it now arouses among many thousands of citizens: in the days of Gladstone and Disraeli, the whole nation took sides in the conflict between these giant protagonists, and watched every move in the struggle with the enthralled interest with which football enthusiasts cheer on their favourite teams. But here comes in the "change of generation" of which Bagehot wrote. In the post-war era political allegiance is much less fixed, and (except in certain sections of the

Labour party) political loyalty is much less ardent, than they used to be. Moreover, the rival leaders are not such commanding figures as Gladstone and Disraeli; and the newspapers no longer pay so much attention as they once did to the parliamentary struggle.

Have I exaggerated the popular disillusionment about Parliament and politicians? I call into the witness-box General Smuts, who gives weighty testimony.[1] "It is no longer the elected representatives of the people who mainly guide and interpret the popular mind in matters political . . . Parliament itself is becoming of less and less importance. This is notoriously the case even in constitutionally governed countries, while in others Parliament, except as a form, has disappeared. . . . From an attitude of respect to Parliament, the public has passed to one of indifference and boredom."

How different is the attitude of this generation towards Parliament and towards the franchise from the attitude of the generation which saw Palmerston's death and the beginning of the great duel between Disraeli and Gladstone! It was in those days that Mill was writing his *Representative Government* (1860), and Bagehot his *English Constitution* (1867). Both of these writers, though their books are not without criticisms or misgivings as to the future, reflected the ineffable self-complacency with which most Englishmen regarded the British system of government, though only a fraction of them were permitted to enjoy the franchise. This self-complacency was encouraged by the admiration with which the British system was regarded throughout Europe; for that was perhaps the moment when British prestige stood at its highest in the world. The two books named above became the classic treatises on the British system of government; and, in the

[1] In an address on 'Democracy' at Newnham College, Cambridge, December 1, 1929.

main, we have been content to accept them as such ever since, and to use them as if the state of things which they described still existed.

But this identification is quite invalid, because the Parliament and Government of 1865 were profoundly different from the Parliament and Government of 1929. To begin with, the great enlargements of the franchise —1867, 1884, 1918, 1928—were yet to come. The electorate was so small that its representatives could maintain direct and effective contact with it, and, for that reason, were far more independent of party control than the modern member of Parliament can be. The elaborate party organisations, which few modern members dare defy, had not yet come into existence: they began with Joseph Chamberlain in 1877. More important still, no Government between 1834 and 1868 ever enjoyed a large majority, and members frequently and easily 'crossed the floor of the House,' and still more frequently voted against their parties. The result was that the conflicts of debate were real and serious, and often determined the fate of measures, or even of Governments. 'Cabinet dictatorship' did not yet exist; no Government could suppress the free judgment of the House of Commons or afford to disregard it. Party allegiance was not yet rigid, and the crack of the party whip had none of its modern terrors.

It is evident that a description of the working of the Constitution which is coloured by these long-vanished conditions must be highly misleading when it is applied to the conditions of to-day. Yet we assume that Bagehot's classic description, which was illuminating as to the conditions of 1867, is still a useful guide to the practice of 1929, subject only to minor modifications which the reader is supposed to be able to make for himself. Bagehot rendered an invaluable service to his own generation. But the

value of his book is now largely historical. Recognising the limitations of his own work more clearly than most writers, he realised that he was fixing for a moment the portrait of a system which changes as subtly and insensibly as the clouds in the heavens; and one can imagine the amusement with which he would learn in Elysium that the penetrating analysis which he made for 1867 is still regarded as authoritative for 1929. Unhappily no second Bagehot is available to do his work over again. But we must do our best, and endeavour to see the facts afresh, as they are, uncoloured by literary traditions or by the most venerable of political cant.

II

We have long since learnt that the formal law of the Constitution is no guide as to its actual working, because formal law is overridden by constitutional conventions, and especially by those which have grown up during the last two centuries; for these are, in effect, more important than formal law. All the text-books—following Anson and Dicey and May and the other great authorities—quite rightly impress upon us the importance of this distinction. What they do not impress upon us is that the conventions themselves, precisely because they are unwritten, are constantly changing; so that a description of them as they were (or were supposed to be) fifty years ago may be quite as misleading as a description of formal law. Indeed, it may be even more misleading. I am not sure that the ordinary text-book analysis of our system of government is not actually farther from the truth than a summary of constitutional law would be. We may test this by setting down first a summary of the formal law of the Constitution, and then a summary of the ordinary text-book description of its actual working.

In formal law, the government of Great Britain—and, indeed, of every member-state of the British Empire—is carried on by the King, acting through Ministers and officials appointed by him: no Minister or high official, civil or military, may legally perform any function until the seals of office have been transferred to him by the King, or he has received a deed of appointment with the King's sign-manual. The King, with the Ministers whom he appoints, constitutes the Government, and the Government is responsible for the maintenance of order, for the administration of dependencies, for the execution of all laws, and for the conduct of our relations with all other States, including the making of treaties and, if need be, the declaration of war. The Government must act in accordance with the laws, which are made by the King-in-Parliament, that is to say, by the King, the House of Lords, and the House of Commons. It must not spend any public moneys not authorised by Parliament, or spend them in a way not approved by Parliament; and in the last resort it is by means of a refusal of supplies that Parliament can force the King to change his advisers. But, subject to these limitations, the powers of Government are indefinite. The King preserves, and exercises through his Ministers, the whole of the vast prerogatives of monarchy, in so far as they have not been restricted by law. For example, he (or his Government) may not increase the Army beyond the limits fixed by Parliament; but they may legally disband the whole Army to-morrow: the only thing which prevents them from taking such extreme action (supposing them to desire to do so) in this or in many other spheres is the fear of what Parliament may do. But there is a vast range in which the King (acting through his Ministers) can wield immense powers entirely independent of Parliamentary authorisation or control.

This is what Burke was thinking of when he described the British system as "a mixed Government, composed of Monarchy, and of controuls, on the part of the higher people and the lower."

Now we are all, of course, aware that the King does not in fact personally wield these vast powers. He has to accept the Ministers who are imposed upon him by Parliament, or, rather, by the political party which obtains the largest number of seats in a general election. These Ministers, in fact, wield all the King's powers; and the great authority which he still possesses is exercised by influence rather than by command. In other words, the Ministers, who are responsible to Parliament, are now the operative force in government, and the King only advises or exhorts, warns or deters them. This momentous change is the result of a convention, established gradually during the course of the eighteenth century. It had not been fully established in Burke's time; George III definitely chose and dismissed his own Ministers, though he had to choose them from among the members of the two Houses of Parliament. This was why Burke wrote as he did, in the sentence we have quoted. That sentence cannot stand to-day as an accurate description of the British system of government. Nevertheless there is still a great deal of truth in it: it only needs a little modification. It is still true that the King's Government wields a vast authority, much of which lies beyond the detailed control of Parliament. If we rewrite Burke's sentence so as to make it read "A system like ours, composed of the Government, and of controls on the part of the people," it usefully fixes our attention upon an aspect of our system which is too apt to be overlooked—namely, the antithesis between 'the Government' as the directing and controlling power in the State, and 'Parliament' as the criticising and regulating power. To grasp this dis-

tinction is the beginning of clear thinking about our system of government; and we shall find, as we pursue our analysis, that failure to grasp it has been the source of many of the most patent defects in the working of the system.

Turn from this analysis of the formal law of the Constitution to the accepted notions, reproduced in all the text-books, as to the actual working of the Constitution. We shall first set forth the theory, as it is usually defined; and then consider how far it really corresponds with the facts.

According to accepted theory, then, the sovereign body in the British State is Parliament; and, since the Parliament Act of 1911 turned the House of Lords into a mere delaying and revising body, the ultimate sovereign power resides in the House of Commons, which derives its authority from the fact that it represents, and is freely elected by, the whole body of enfranchised citizens. As sovereign body, Parliament has absolute control over all legislation and taxation. It controls executive government also, through the Cabinet, which is a Committee of Parliament, drawn from that party which commands a majority in the House of Commons, or is, at all events, able to count upon the support of the House for its policy. Subject to the control of Parliament, the Cabinet directs and manages all the work of national government. Every other body in the country either derives its authority from an enactment of Parliament, like the Church of England, the municipalities and the Railway Companies, or exists at the discretion of Parliament and must submit to any regulations that Parliament may impose, like the Trade Unions, the Nonconformist Churches and all trading concerns.

Such is the theory, which remarkably magnifies the power of Parliament, making it the pivot and controlling factor in the whole system. This theory

seems to me to be very nearly as remote from the facts as the statement of formal constitutional law already set forth. Indeed, in one respect it is more remote from the facts, because it disregards the immense and largely independent power wielded by the Government. The power of the Government is in practice so much the most important element in our system that some commentators (Mr. Ramsay MacDonald for one) have spoken as if the chief purpose of a General Election was to select a Government and to send to Parliament a body of supporters strong enough to maintain it in office; a view which does, in fact, largely accord with modern usage, and which explains why it is that Parliament—reduced to a mere intermediary, like the Electoral College in America—has lost so much of its prestige. The truth lies somewhere between the theory of the text-books, which makes Parliament effectively supreme in every sphere, and the theory of Mr. Ramsay MacDonald, which reduces it to a sort of Electoral College. It is, or ought to be, not merely a means of selecting a Government, or of formally embodying the decision of the electorate as to how the Government should be constituted: it is, or it ought to be, what Burke called it—a control over the Government on behalf of the people.

Almost every phrase in the popular theory as I have summarised it seems to me to be open to challenge. I do not stop to discuss the question whether Parliament is 'sovereign,' *i.e.* whether its power is absolute and unlimited. That is a highly technical question, much argued by professors of political science, some of whom are now inclined to contend that the claim of absolute and exclusive sovereignty for any single body in the State is invalid, seeing that all organised bodies, such as Churches or Trade Unions, draw their authority from the will of their

members equally with the State and its supreme organ. We need not discuss this question, which is, when all is said, purely an academic one. There are certainly, in practice, limits to the sovereignty of Parliament: it can do nothing important to which public opinion is definitely opposed; and if it were to try (for example) to put an end to all Trade Unions, it would find the undertaking too great for its real powers, even if a majority of voters were in favour of it. The doctrine of sovereignty is purely theoretical; and in such an inquiry as we are undertaking it is best to keep aloof from the arid realm of abstractions in which political scientists love to wander.

But when we turn to the assertion that the sovereignty of Parliament is expressed in its absolute control over legislation and taxation, we are dealing with a more practical issue, capable of being tested by the facts. And here it is plain that, whatever theory may say, Parliament has next to no independent control over either legislation or taxation. It is the Government, not Parliament, that the man in the street blames for bad laws and heavy taxes. And he is right, for, by modern usage, the Government frames all important legislation, and proposes all taxes, carrying them by the voting-power of its supporters in Parliament, who will risk the loss of their seats if they do not vote steadily for the Government they have been elected to support.

Still more out of relation with the facts is the assertion that Parliament controls executive government through the Cabinet, which is a Committee of Parliament. This statement is exquisitely misleading. In the first place, it is a distortion of the meaning ordinarily attached to the word 'Committee' to describe the Cabinet as a Committee of Parliament. For Parliament does not in any sense appoint this 'Committee,' nor does it receive any regular reports

as to what its ' Committee ' does. The Chief of the Cabinet is, in fact, chosen partly by private agreement within a single section or party in Parliament, and partly by the result of a general election. Once chosen, he selects all the other members of the Cabinet, and assigns to them their offices: he must, indeed, choose from among the members of the two Houses of Parliament, but he can, if he likes, put a man into the House of Lords in order to make him eligible. And far from ' reporting ' to Parliament, this so-called Committee only reports what it thinks fit, or what is formally demanded from it in a way that it seems dangerous to resist. Finally, this so-called ' Committee ' has the power, if Parliament dares to differ from it, of advising the King to bring Parliament to an end and to order the election of a new one; and the King usually takes this advice. It is not easy to imagine a body more unlike what a ' Committee ' is usually supposed to be.

Again, it is merely absurd to say that Parliament ' controls ' the Cabinet in its executive functions. It sometimes criticises, so far as it is allowed to know what is going on, and the criticism is sometimes effective and may lead the Cabinet to change its policy; more often the criticism has no effect at all. There is never any attempt to review systematically the way in which this Department or that is carrying on its work. The nearest Parliament ever gets to the ' control ' of executive government is a motion to reduce the salary of one Minister or another in order to call attention to some administrative failure. But these attacks are treated as votes of confidence; it is made clear that the Government will resign, and that every member of Parliament (or his supporters) will in effect be fined £1000 in the form of the expenses of a general election, if the motion is carried; the disciplined voters pour into the division lobbies, and the perfunctory

attempt at 'control' reaches its appointed destiny. To say that Parliament controls the Cabinet is an absurdity. The truth is that—except when it is not in command of a clear majority—the Cabinet absolutely controls Parliament. Even a Cabinet which has no independent majority has so wide a range of unfettered authority, and has access to so formidable a weapon in the prerogative of dissolution, that Parliamentary control is bound to be largely unreal. Nor, one may add, is it desirable that Parliament *should* control, or attempt to control, every aspect of the complex work of administration, a task which is wholly beyond its capacity. All the more reason why we should cease to talk about Parliament 'controlling' the Government. The only thing it can do is to turn the Government out; and it cannot do this when the Government is in command of a disciplined majority of pledged supporters.

Finally, it may well be questioned whether even the Cabinet effectively controls the whole of the vast work of administration carried on by the great Departments. The growth of a large degree of independent power in the hands of what is called 'Bureaucracy,' *i.e.* the permanent administrators of the Civil Service, has been one of the main features of our political development in the last two generations. We shall have a good deal more to say about it later in this book.

It appears, then, that we are in the habit of easily and loosely accepting ideas about the way in which we are governed which do not by any means correspond with the facts. It appears that the current analysis of our system is almost as much at variance with the facts as are the formal doctrines of constitutional law. Until we can really appreciate the actual facts, and their significance, we cannot well judge whether the growing disbelief in our system is justified or not; still less can we decide how, if at all, the system can be amended so as to get rid of the features which

undermine public confidence. Hence it is well worth our while to examine the whole matter afresh, brushing aside all received notions and doctrines, and (if we can) seeing things as they really are.

That is the purpose of the following chapters. In tackling our difficult task, we shall be guided by Burke's old-fashioned but still true and useful classification of the subject. Instead of deluding ourselves with exaggerated ideas about the sovereignty of Parliament, and beginning with Parliament as if it provided the driving-force of the whole system, we shall, following Burke, begin with the Government, analyse how it is constituted and how it works; and then turn to Parliament to see how the 'control on behalf of the nation' is exercised.

PART I

THE GOVERNMENT

CHAPTER I

THE FUNCTIONS OF 'THE GOVERNMENT'

I. '*Separation of Powers*' v. '*Concentration of Responsibility*'

IT is a platitude of the text-books that (to quote one of the most orthodox among them) "the work of government should be distributed under three main heads, as Legislative, Executive, and Judicial, each division being allotted to a separately constituted organ."[1] These "separately constituted" organs are always defined to be, for the legislative function, Parliament; for the executive function, the Government (or the Cabinet); and for the judicial function, the bench of judges.

In eighteenth-century England there was an idea that in a free and well-ordered State these three functions, and their "separately constituted" organs, should be kept apart from and independent of one another. It was therefore provided in the Act of Settlement (1701) that the Judges, once appointed, should be irremovable except on an address from both Houses of Parliament; and that, after the death of Queen Anne, no person who held an office of profit under the Crown should be permitted to sit in the House of Commons. These provisions were intended to save

[1] Henry Sidgwick, *Elements of Politics*.

the Judges and Parliament from falling under the control of the Crown or 'the Government.' The first of them still remains the law of the land, and is supposed to be the chief bulwark of the independence and impartiality of the courts. The second provision was repealed in 1707, before it became operative. If it had come into force, and if all Ministers and public officials had been excluded from Parliament (as they are in America), the Cabinet system as we know it could never have grown up. In actual fact holders of 'offices of profit under the Crown' regularly sat in Parliament throughout the eighteenth century; until 1783 they were so numerous that they formed, as a rule, about one-quarter of the total membership of the House of Commons; and it was largely through them that the Whig oligarchy, and later George III, secured their power. That is to say, the Executive and the Legislature, the Government and Parliament, were by no means independent of one another: in theory Parliament controlled the Government, as the Whig philosopher Locke had contended that it ought to do; but in practice the Government generally controlled Parliament.

Nevertheless, the French philosopher Montesquieu, who admired the British system as the only free government in the world, thought he saw the secret of its virtue in the supposed complete separation of the Legislature, the Executive and the Judicature; and in his *L'Esprit des Lois* he erected the Separation of Powers into one of the first principles of free government. "When the legislative and executive powers are united in the same persons or body," he wrote, "there can be no liberty. . . . If the power of judging were joined to the legislative power, the life and liberty of the subject would be exposed to arbitrary control; . . . if it were joined to the executive, the judge might behave as an oppressor."

Montesquieu's reputation was at its height when the American revolution took place, and the new nation had to define its methods of government. Influenced by his ideas, and believing that they were following the model of the British system, the founders of the American Constitution embodied in it the doctrine of the Separation of Powers, in its most rigid form. The President, as head of the Executive, separately elected by popular vote, was given the power of appointing Ministers and controlling the whole of the Executive, but was excluded from all share in legislation beyond a veto. Congress, as the legislative body, was preserved from the influence of the Executive by the exclusion of all Ministers from its membership, and was denied all semblance of direct control over administration except in regard to the conclusion of treaties with foreign Powers, in which the Senate must be consulted. The Supreme Court, as the head of the Judiciary, was secured in absolute independence, and endowed with the function of interpreting the Constitution, and of declaring laws adopted by Congress to be invalid if they conflicted with that supreme instrument. And as these provisions are included in the written Constitution, which cannot be altered by Congress, but only by a large majority in three-fourths of the separate States, it may be said that America has taken greater precautions than any other State has ever done to ensure that each of the three functions is "allotted to a separately constituted organ," and that none of them shall be reduced to subordination by either of the others.

Yet even America has, in practice, broken the spirit of Montesquieu's principle. When (as often happens) the President belongs to the same political party as the majority in the Senate and the House of Representatives, it becomes easy for him, through the working of party discipline, to get the laws passed or the

taxes voted which his administrative experience shows to be needed. On the other hand, when this is not the case, the results are apt to be inconvenient in the highest degree; for efficient government becomes almost impossible if the power that makes laws and votes taxes is in a state of friction with the power that has to carry on the day-to-day work of government, and if neither can get rid of the other. In the British system, either can get rid of the other in case of friction—Parliament can dismiss the Ministry, and the Ministry can advise the King to dissolve Parliament; in the American system Congress cannot get rid of the President and his Ministers, and the President cannot dissolve Congress.

The truth is that both Montesquieu and the fathers of the American Constitution completely misread the British system. Even in their time, the British system had in practice discarded the doctrine of Separation of Powers, except in regard to the judiciary, and was tending to adopt the very different doctrine of Concentration of Responsibility; and this tendency has become more marked with every succeeding generation. Instead of striving, like the American system, to demarcate clearly the functions of three distinct organs, and to forbid them to meddle with one another's functions, the British system tends to merge responsibility for both legislation and administration in one all-powerful 'Government,' leaving it to Parliament and the Judiciary merely to regulate and check its action. If Separation of Powers is the essential principle of the American Constitution, Concentration of Responsibility is the essential principle of the British Constitution.

Even the judicial function is, in the British system, by no means so clearly withdrawn from the control of 'the Government' as Montesquieu's doctrine would require. It is true that we attach great importance

to the independence of the judicial bench, and that judges of the High Court can only be removed after an address by both Houses of Parliament. But this rule could be altered by Parliament to-morrow; it is not, as in America, safeguarded by being embodied in a Constitution which cannot be altered by the ordinary process of legislation. Moreover, the Lord Chancellor, who is the head of the Judiciary, is himself a member of 'the Government' and a party man. The High Court judges are appointed on his recommendation, and the appointments are often influenced by political or party considerations. Not that incompetent men are chosen; but the best man is sometimes passed over, and the second-best man is sometimes chosen because he has been useful to the party in office. The very important class of County Court judges are not merely appointed by the Lord Chancellor—a member of 'the Government'—but may actually be dismissed by him. The British judges have no such power as the American judges possess, of declaring a law 'unconstitutional'; they must give effect to whatever law Parliament may pass—usually on the initiative of 'the Government.' And if they give a decision which 'the Government' considers to be unsound, it may be in effect reversed by an Act of Parliament carried by a Government majority. Thus when the highest court of the realm decided that all the property of the Free Church of Scotland legally belonged to the small remnant which refused to agree to the union of that Church with the United Presbyterian Church, the Government of the day promptly introduced and carried a Bill to reverse this decision, and to transfer the bulk of the disputed property to the United Free Church, which had been deprived of it by legal decision. Thus, again, when the judges decided that Trade Unions were liable under the Common Law for loss or damage caused by strikes, 'the Government' introduced and carried a

Bill to alter the law thus declared. Neither of these Acts would have been possible in America. In view of all these facts, it may fairly be said that there is in the British system no strict Separation of Powers even in regard to the judiciary; but that the ultimate control rests nominally with Parliament, and really with 'the Government' when it commands a majority in Parliament.

In short, the essence of the British system is that all power and all responsibility tend more and more to be concentrated upon what we call 'the Government'; and that, so long as 'the Government' commands a docile majority in Parliament, its power is practically unlimited and uncontrolled, except by the fear of alienating public opinion and therefore losing its power at the next general election. This statement is fully borne out by the ordinary forms of popular speech, and even by the political judgments of instructed commentators. If a recently made law works badly, we do not blame Parliament, the law-making body; we blame 'the Government,' which (we say) passed the law. If taxation is heavy and we are spending too much money, again we do not blame Parliament, which is supposed to 'hold the strings of the purse,' we blame 'the Government'; and it is always 'the Government,' not Parliament, which we describe as being extravagant or unduly parsimonious.

Whether this is, or is not, a healthy state of things—whether 'the Government' ought, or ought not, to be brought under closer criticism, supervision and control, and, if so, by what means this could be done—are questions to which we shall later have to give some attention. But in the meanwhile, it is clear that the vast powers of 'the Government' are the dominating fact in our system. Our first task must therefore be to get some clear notion of the extent of these powers; and then to consider what exactly we mean

when we speak of 'the Government,' of what elements it consists, how it is appointed, and how it works.

II. *The Powers of 'the Government'*

'The Government,' not merely in theory, but in reality, wields in the King's name all that vast complex of powers, largely undefined, which are covered by the phrase 'the Royal Prerogative.' The King is the source of all authority, in legal theory; and he (or 'the Government' acting in his name) wields every power which has not been specifically withdrawn from him, or definitely limited, by law. All public officials of the State are his servants; the Navy and Army are his Navy and his Army; the rulers of all dependencies are his representatives; all treaties with foreign States are made in his name, and the ambassadors who 'lie abroad for the good of their country' are his spokesmen; he is the fountain not only of authority, but also of honour, and all titles and dignities (which are a potent means of rewarding service and securing loyalty) emanate from him. There is no limit to his power save that he cannot make or alter laws, or raise taxes, without the assent of Parliament, and that he must use his power in accordance with the law. But (in legal form) the King performs all these vast and indefinite functions on the advice of his Ministers, who are legally responsible for any misuse of them; for in the eye of the law the King himself 'can do no wrong.' And this means (in actual practice) that 'the Government' has annexed the whole of the Royal Prerogative, subject only to the safeguard (which is, so far as it goes, a real one) that the King can protest privately against anything being done in his name which he strongly disapproves.

It is not only the Royal Prerogative which 'the Government' has annexed. Whenever it commands a clear majority in the House of Commons, it also

wields practically the whole power of Parliament. It does this, in the main, by means of an elaborate party organisation, which is normally controlled by the head of 'the Government,' since he commonly nominates the party officials by whom the secret party fund is raised and spent. Party organisation and party discipline have been so much elaborated during the last two generations that the members of Parliament who have been elected as representatives of a party hesitate long before showing any independence of their leaders —or, at any rate, before carrying their independence to the point of open revolt—because they know that they will thus endanger their seats: in a system of election based upon single-member constituencies, as ours is, the ablest man has little or no chance of election if a rival candidate is put up against him by his own party, and this will happen if he shows too much independence. And 'the Government' has a further means of ensuring the docility of its majority, in its power to use (or threaten the use of) the Royal Prerogative of dissolution. This weapon may even be used (if the precedent of 1924 holds good) by a Government which has no clear majority in the House of Commons. Hence it is little exaggeration to say that 'the Government' normally wields all the powers of the House of Commons as well as all the powers of the Crown. As for the House of Lords, its power has become almost negligible since the Parliament Act of 1911; and, when 'the Government' wants to impose its will upon the House of Lords, it has in reserve—for use in an extreme emergency—the Royal Prerogative of creating peers: a threat to use this power was enough to bring about a rapid collapse of the Lords' resistance to the Parliament Act in 1911. Finally, as we have seen, the boasted independence of the judicial bench—real as it is within its limits—provides no effective limitation of the autocracy of

'the Government.' If the judges give a decision which 'the Government' and its supporters dislike, it can always be reversed by an Act of Parliament.

We are thus justified in saying that the most distinctive feature of the British system is the concentration of all power and all responsibility, administrative, legislative, and even (in the last resort) judicial, in the hands of 'the Government,' so long as it commands a majority in the House of Commons. This dictatorship (for such it essentially is) may be wielded by the heads of any organised political party which is able to win a majority of seats in the House of Commons by the skilful use of electioneering devices, even if this majority of seats represents (as it often does) a minority of votes. It may safely be said that no party ever has, or ever will have, a clear majority of satisfied and convinced supporters in the country. The dictatorship is qualified only—and is sometimes qualified very dangerously—by the necessity of not alienating that fluctuating margin of voters who have it in their power, by turning the scale in a few constituencies, to throw the handkerchief to one or another of the groups of party manipulators.

It will be observed that in this system very little independent power is left to Parliament, which the text-books are so fond of describing as the supreme controlling power in our system. In reality, so long as 'the Government' has a clear majority, Parliament is reduced to two functions. It is an *electoral machine*, by means of which the decision of the electorate is given as to who shall wield the immense powers of government; but normally this power is exhausted at the moment of election, which decides the main issue. It is also an *advisory body*, through which the all-powerful Government is enabled in some degree to feel the pulse of the country, and to modify its proposals so as to avoid alienating public opinion.

The vaſt powers wielded by 'the Government' in the British ſyſtem demand closer analysis than we have yet given to them. They may be grouped under four heads: (1) Patronage, (2) Adminiſtration, (3) Legislation, and (4) Finance.

(1) PATRONAGE. Almoſt all persons who hold important official positions are appointed by 'the Government': the Bishops and Deans of the Church of England (because it is a State Church); all the judges from the Lords of Appeal down to the humbleſt town magiſtrate; all the ambassadors at foreign Courts, with their ſtaffs; the Viceroy of India, the Governors-General of the great Dominions, the Governors of Crown Colonies and other dependencies, together with their principal officers—men who rule vaſt territories peopled by savage tribes in Africa, or Weſt Indian Islands, or ſtrategic and trading centres such as Gibraltar, Aden, and Singapore; some of the moſt important professors in the Universities; the Governors of all the gaols; all the higher officers in the Navy, Army and Air Force (junior officers being seleĉted by various teſts of ability); all the higher officials of the Civil Service (the junior officials, again, being seleĉted by competitive examination). This catalogue is by no means exhauſtive; in brief, all the controlling personalities, in official work of every kind, are appointed (or, what comes to the same thing, recommended to the King for appointment) either by the Prime Miniſter, as head of 'the Government,' or by one of the Miniſters who conſtitute his Cabinet.

The huge mass of patronage thus wielded by 'the Government' is exercised without any sort of control on the part of Parliament: a debate may indeed be raised if some appointment or dismissal seems to the Opposition to offer a good opportunity of discrediting 'the Government,' but the criticism will normally be voted down. There is no suggeſtion that Parliament

has any right to survey the use of Government patronage as a whole. It never hears of most of the appointments; for the most part, it reads of them, like the ordinary citizen, in the columns of the newspaper.

(2) ADMINISTRATION. This single word covers the whole vast work of managing from day to day the common affairs of 45,000,000 of people, and directing the concerns of peoples of every imaginable race scattered over the face of the earth, and constituting about one-quarter of its total population. This is, of course, the principal function of 'the Government.' It is described by the text-books as the 'executive' function. But the word is very inadequate, since it suggests that all 'the Government' has to do is to apply or carry out laws laid down by Parliament. The function of administration extends far beyond the mere execution of laws, and covers a vast deal of work which has never been defined by law at all.

There is, of course, a great deal of government work that is in a strict sense 'executive.' Thus systems of health insurance and unemployment insurance have been established by law; it is part of the business of government to collect the contributions, and to arrange for the payment of benefits to those to whom they are due.

Again, important duties have been imposed upon various local authorities by law—the work of education, for example, or the maintenance of order by means of a police force, or the relief of destitution, or the carrying out of works of sanitation. It is part of the administrative function of 'the Government,' not to do these things itself, but to see that they are efficiently done. This means far more than seeing that the law is not actually broken; it means defining *how* the law is to be carried into effect—what sort of schools are to be built, how teachers are to be trained, what the pupils in the schools are to learn; or what rates

of relief are to be paid to various classes of destitute persons; or what systems of sanitation are desirable. 'The Government' does not merely see that the work is done at a minimum level, and pay part of its cost out of funds voted for the purpose; through its staffs of inspectors, and in other ways, it exercises constant pressure to ensure that the work is done as well as possible.

There are yet other fields in which the power of 'the Government' is of the same nature as the power of the Board of Directors of a great commercial concern. The most notable of these is the Post Office, a vast business with branches in every little village in the country, employing tens of thousands of workers. It is a great profit-making concern; and 'the Government' decides how it shall expand, and at what pace, and what new ventures it shall undertake.

Again, while the amount of money to be expended, and the number of men to be enlisted, for the Army, Navy and Air Force are nominally determined by Parliament, it is 'the Government' which decides how these men shall be organised and trained, and what use shall be made of the various regiments, ships or air-squadrons. Parliament is seldom consulted or even informed about these matters, although they may often have a very material bearing upon national policy. Thus, on the eve of the last great war, 'the Government,' without consulting Parliament, decided to concentrate the whole British fleet in the North Sea, and to leave the defence of the Mediterranean to the French fleet—a decision which might have had a material bearing upon the issue of peace or war with Germany. Thus, again, in 1929 'the Government' decided to withdraw British troops from the occupied area in Germany, and actually did so, during the parliamentary vacation, without any sort of formal authorisation from Parliament.

These acts were, in fact, expressions of the foreign policy of the Governments concerned; and foreign policy is, of all spheres of administration, that in which the power of 'the Government' is most independent and uncontrolled. In recent years, it is true, the practice has been established of submitting formal treaties for ratification by Parliament. But there is even now no guarantee that this will be done—no law requires it. There have been very important 'secret treaties' concluded within the last twenty years. And even when a treaty is submitted for ratification, the country's honour may already have been so deeply committed (as, for example, in the case of the Treaty of Lausanne, 1924) that Parliament could have no alternative to ratification. In any case, it is the day-to-day conduct of foreign relations that is of most vital importance, since it may mean friendship or enmity, peace or war, with this country or that; and over the day-to-day conduct of foreign relations 'the Government' wields unchecked control.

Finally, Parliament has almost nothing to say, even in form, regarding the innumerable problems which daily arise in the government of the dependencies scattered over every part of the world. It may have an occasional debate upon one or another outstanding question; but even in these cases a Government which commands a majority will always get its own way, since in these matters there is little fear of arousing any excitement among the mass of electors.

In form, of course, Parliament can challenge any part of the administrative work of 'the Government,' and can dismiss either the Cabinet as a whole or the Minister directly responsible. In fact, it knows very little about the major part of this work, and it cannot exercise any effective control over it. We are not here concerned to discuss the question whether Parliament ought not to exercise a more effective control,

and why it does not do so. That question will claim our attention later. We are here concerned only to emphasise the enormous importance, range and amplitude of the administrative powers wielded by 'the Government'; and to show that, in all essentials, they are independently wielded so long as 'the Government' has a clear majority in the House of Commons.

(3) LEGISLATION. The making of laws is generally regarded as the special function of Parliament. In actual fact, it has been annexed by 'the Government.' The ordinary member of Parliament has almost lost the right of initiating laws. On one day in the week, indeed, he may (if he is lucky in the ballot for such chances) introduce a Bill, and have it discussed. On other days he may introduce a Bill under the 'ten-minutes rule,' which means that his exposition of his proposal must be limited to ten minutes; but there are few subjects of importance which can be adequately expounded in that space of time. In any case, a Bill introduced in either of these ways has not the faintest chance of being carried into law, unless it is taken over as a Government measure. The private member's activity in legislation is at best a demonstration to which nobody pays any attention; at worst, a mere waste of parliamentary time. Even a powerful opposition party, backed (as, under our curious system, it may be) by a majority of the electors, has no chance of securing consideration for a Bill. 'The Government,' and 'the Government' alone, is regarded as responsible for drafting and introducing all important legislation. Its Bills may, indeed, be modified during the discussion in either House of Parliament; but if it has a stable majority, this will only happen by its own consent.

It is highly significant that 'the Government' is beginning to transfer the real discussion of some measures, at any rate, outside of Parliament. The

real debate, for example, upon the Derating Bill of the Conservative Government of 1924–29 was carried on between the Ministry of Health and the local authorities: amendments were accepted on the demand of the local authorities which 'the Government' would never have accepted if they had been proposed in Parliament. Moreover, Parliament is now never permitted to take part in the preliminary discussion of needed legislation. For this purpose Royal Commissions or Departmental Committees, the members of which are directly nominated by 'the Government' without any consultation of Parliament, are now habitually employed. And, finally, Governments are becoming more and more fond of embodying their proposals in Bills of very general tenour, and inserting in them clauses giving power to the Minister of this Department or that to issue regulations having the force of law under the terms of the Bills. This new fashion of 'administrative legislation' is a very remarkable modern development which the present Lord Chief Justice has sharply criticised. All these tendencies, taken together, seem to show that 'the Government' (by whatever party it happens to be controlled) instinctively aims at increasing its own autocracy, already overwhelming, by whittling away the nominal legislative authority of Parliament to the most tenuous proportions.

I do not suggest that Parliament ought to be an independent legislative body, like the American Congress. On the contrary, there are strong reasons why the initiative in legislation should fall to 'the Government,' seeing that it alone is in contact, through the vast range of the administrative activities which it controls, with the actual needs of the community, and the practical methods of satisfying them. But it is necessary to recognise that the time-honoured description of Parliament as the effective legislative body has

ceased to be in any valuable sense true. 'The Government' is responsible for legislation, as it is responsible for administration; and the only practical question about Parliament is whether, in the one case or the other, it is an effective criticising body, and whether it is able to exercise usefully its true function, that of being what Burke called 'a control on behalf of the people.' This question we shall attempt to answer in later chapters.

(4) FINANCE. There has never been a text-book on the history or working of the British Constitution which has failed to repeat the venerable dogmas that the ultimate lever of power is the control of finance; and that the House of Commons is the supreme factor in British government, because it 'holds the purse-strings.' But are these venerable dogmas true? In form they are, because no tax can be levied until the House of Commons has voted it, and no money can be spent upon anything which the House of Commons has not approved. In fact, however, the control of the House of Commons over finance is even more unreal and perfunctory than its control over legislation. Indeed, in the sphere of finance the initiative rests with 'the Government' not only by recent custom, but also by long-established practice. In memory of the days when the King had to ask Parliament for grants of money and explain how he proposed to spend them, it is the recognised duty of 'the Government' to lay before the House of Commons every year (*a*) a statement of the financial needs of the various Departments, in the form of estimates; and (*b*) a series of proposals for raising the required money. The former is discussed by the House in Committee of Supply; but by a sound and long-established rule the House cannot add to, though it may reduce, the expenditure proposed by 'the Government.' The second is discussed in Committee of Ways and Means, but, by

another sound and well-established rule, the House cannot propose any new tax not suggested by 'the Government,' though it may reject any tax proposed. In actual fact, whenever 'the Government' has a clear majority, the House seldom attempts to make any serious alterations either in the estimates or in the taxes, and never succeeds except in matters of trivial importance. There is no systematic discussion of the estimates for any Department, for any serious challenge is treated by 'the Government' as a vote of censure, and defeated by its solid majority. There is, in fact, no sphere in which 'the Government' is usually less willing to allow any effective freedom of decision to Parliament than the sphere of finance; none in which the dictatorship of 'the Government' is more apparent.

III. *What is 'the Government'?*

It appears, then, that the outstanding fact of the British system is the omnipotence of 'the Government,' at any rate so long as it commands a majority in the House of Commons, whether that majority represents a majority in the country or not. Even when it does not command a majority, it has a practically unchecked power of appointing to a vast number of important public offices; it wields enormous power in the sphere of administration, for the most part without any effective control by Parliament; and although it may not be able, when it is in a minority, to carry all the laws it desires, or to manage the national finances precisely as it would like, nevertheless it has full responsibility for the initiation of legislation, and its proposals for expenditure and for taxation, while they may be reduced, cannot be otherwise altered. It would seem therefore that the sanctified traditional phrases about the working of the Constitution stand in great need of revision.

If we are to attempt an honest and realistic analysis of our system, we must clearly start with this omnipotent Government. And the first questions that demand an answer are, How is 'the Government' composed? What elements does it include? How are these elements selected, how are they organised, and how are they related one to another?

There are two main elements in 'the Government.' The first is what is commonly called 'the Ministry,' and consists of the politicians, drawn from both Houses of Parliament, to whom the Prime Minister entrusts the direction of various offices. Within the Ministry is the smaller body known as the Cabinet, which is the supreme controlling authority in the British system of government. Most people are content to identify the Ministry or the Cabinet with 'the Government.' All the text-books habitually make this identification; and if one were to judge by the histories of the eighteenth and nineteenth centuries, one would conclude that all the operative work of government had in fact been performed by the Ministry, or rather, by the Cabinet: we hear of nobody else.

But there is another element, not less important, about which the political text-books and the historians have hitherto been strangely silent. This is the Permanent Civil Service, which has until recently remained in the background, thriving in obscurity, content to do the bulk of the work and leave the credit to the Cabinet. Its numbers, its functions, and its powers have grown so rapidly that we have recently begun to describe it as 'the Bureaucracy.' This ugly word (a horrid hybrid of French and Greek) is formed on the analogy of Aristocracy and Democracy, and strictly means 'government by professional administrators.' If the Permanent Civil Service is in fact what it is in theory—merely a staff of expert servants under the effective control of the political Ministers—then the

word Bureaucracy, which suggeſts the exercise of a large degree of independent power by an official class, cannot legitimately be used of it. But if there is, as many think, a ſtrong and growing element of true bureaucracy, or uncontrolled officialism, in our ſyſtem, we ought to recognise it and bring it into the light. We ought to cease to write and speak (as Mill and Bagehot almoſt did, and as moſt text-books on politics ſtill habitually do) as if the Permanent Civil Service scarcely exiſted.

One preliminary observation may help a little to clear the issue. It is obvious that the Cabinet would be helpless without the Civil Service. But is the reverse ſtatement equally true? Suppose Parliament and the Cabinet were to disappear to-morrow. Could government go on? A hundred years ago it probably could not have gone on. To-day, almoſt certainly, it could. If the permanent chiefs of the great Departments of State met at intervals to correlate and dovetail their work, things would run on quite smoothly for quite a long time. This means that bureaucracy has in faſt become an indispensable part of our ſyſtem: indeed, the really operative part of it.

We shall therefore begin our analysis of the aſtual working of 'the Government' by discussing the powerful class of permanent professional administrators, and considering how far their power is independent, or, in the ſtriſt sense of the word, 'bureaucratic.' We can then turn to consider the Cabinet as the political control of the bureaucratic machine.

CHAPTER II

THE PROFESSIONAL ADMINISTRATORS AND THE GROWTH OF BUREAUCRACY

I. *The Old System and the New*

THE growth of the expert or professional element in the government of Britain has been quite as important in its effects upon the working of our system as the growth of democracy itself.

This change has taken place almost wholly during the course of the last hundred years. Before the beginning of the social reconstruction which followed the Industrial Revolution and began about 1832, the functions of government in Britain were so limited in their range, and (comparatively speaking) so simple in character, that they could be, and were, effectively conducted or controlled by amateurs, drawn from the governing class of landowners. This, indeed, was one of the essential features of British 'self-government,' and it especially distinguished the British system from that of other European countries. In France, in Spain, in the petty States of eighteenth-century Germany and Italy, the work of administration, both central and local, was carried on by salaried professional administrators, appointed by the supreme monarch; ordinary folk had no share in this work. But in Britain, at every stage, the work of administration was done by amateurs who did not abandon their ordinary occupations, and who—even if they were not popularly elected—were deeply influenced by the opinions of their fellows. Thus the affairs of the

parish were managed by farmers or other villagers, often chosen by the Vestry; the affairs of the little towns were managed by groups of tradesmen in their close corporations; the affairs of the counties, and the general maintenance of order, were in the hands of ordinary country gentlemen, acting as Justices of the Peace and meeting in Quarter Sessions; and, finally, the affairs of the State as a whole were managed by a group of Ministers, drawn from the governing class of great landowners, and from the lawyers and the naval and military officers, who mainly came from the same class.

The functions of government were so simple that this system worked well enough. No attempt was made by the central Government to regulate the social conditions or the trading activities of the country as a whole, nor was there any interference with the local authorities. Under the Tudors, indeed, the Privy Council had kept a pretty close hold upon the local magistrates; but this had long since come to an end. Even so vital a social function as the administration of Poor Relief was not controlled from London, except by a few general Acts of Parliament which it was not the business of any Department of State to enforce; and so momentous a change as the giving of subsidies in aid of wages was started in 1795 by a mere resolution of the Berkshire magistrates, which was subsequently imitated in other counties. There were no Departments to perform the work of the modern Ministries of Health, Education, Labour, Mines, Transport, Agriculture; and nearly all the work of the modern Home Office and the Board of Trade had not yet been begun. The immensely important functions which are carried on by these Departments were either disregarded, or left to the discretion of the Justices of the Peace and the other local authorities.

The functions of the central Government in the

sphere of administration were, in fact, practically limited to four. The first was the conduct of foreign relations through ambassadors, and the control of colonies and dependencies through governors: these distinct branches of work, together with the general supervision of home affairs, were divided, on a highly illogical basis, between two Secretaries of State, one for the North, the other for the South. The second function was the maintenance of the Navy with its dockyards, and of a very small Army: the Navy was under the control of the Board of Admiralty, the Army under a Commander-in-Chief, a Master General of the Ordnance, and a minor Minister known as the Secretary *at* War, who had nothing to do with Army policy, but only with questions of supply. The third function was the raising of revenue, mainly by means of tariffs, which also served to regulate foreign and imperial trade: here the controlling power belonged to the First Lord of the Treasury and the Chancellor of the Exchequer—as yet a relatively minor Minister; while the Board of Trade acted as a sort of advisory body to them and to the Secretaries of State, wielding very little direct authority. The fourth function was the maintenance of a rudimentary post office. The administration of justice scarcely counted as a separate department: the nomination of the judges, and the appointment of local magistrates, fell to the Lord Chancellor, but the police system and the upkeep of gaols were left to the local authorities.

In all these Departments, of course, there had to be a staff of clerks; the customs and excise (which had to maintain a staff at every port), the Admiralty with its dockyards, and the Post Office had large numbers of subordinate employees—so large that their votes controlled the elections in many constituencies, and they lived in fear of losing their posts if they did not vote for the winning side. All this patronage

was used, often in the most cynical way, to strengthen the controlling group of politicians, though there was never a fully developed 'spoils system'—a clearing out of subordinate officials appointed by one party to make room for a new set appointed by another party—such as long existed in America. But officials who held their posts on such precarious tenure could not dream of exercising any independent authority. In any case, the questions which had to be decided were, in each Department, relatively so few that they were easily within the scope of an ordinarily industrious politician; and (except, to some extent, in the Board of Admiralty) they rarely involved out-of-the-way expert knowledge. Bureaucracy, therefore, was non-existent in eighteenth-century Britain: both at the centre and locally the business of the country was managed by amateurs in the intervals of their other occupations.

A great change began in the nineteenth century, when large labours of political and social reconstruction had to be undertaken. One new function after another was imposed upon the Government; and every new function involved the appointment of a professional staff. The mere volume of the work to be done made it more and more impossible for the politicians in nominal control of the Departments to exercise effective mastery; moreover, the new functions involved more and more expert knowledge, which the politicians seldom possessed. Gradually, therefore, as the century wore on, the numbers of the professional administrators grew, their functions became more expert and specialised, and the nominal 'responsibility' of their political chiefs became more and more unreal. The process was almost unnoticed. In Parliament the politician at the head of each Department always accepted responsibility for everything that was done by his subordinates, and spoke as if every

act of theirs had been due to a deliberate decision made by himself; and all the histories of the period make this assumption as a matter of course.

Presently a great and valuable reform was accomplished, which did more than anything else to strengthen the power of the Permanent Officials. In 1855 the Civil Service Commission was established, and soon all posts in the Civil Service (with a few exceptions) came to be filled by competitive examination. This had two consequences. In the first place, it brought into the Civil Service the ablest products of the Universities; and power goes to ability. In the second place, it made the position of the Permanent Officials absolutely secure. They no longer owed their places to patronage; they no longer had any reason to fear displacement. This gave them a real independence. Of course, they were still bound to obey the orders of their ministerial chiefs. But when a chief knows that his subordinates are quite as able as himself, that they have a vastly deeper knowledge of the subject than he has, and that they were not appointed by him and cannot be removed by him, he becomes very chary of issuing 'orders' that override their formed opinions—especially if they all stand together.

II. *The Growth of the Functions of Government*

Before we turn to examine more closely the extent of the power wielded by the professional administrators and the ways in which this power is used, it will be well to trace the stages in the amazing increase of their numbers and their functions during the last century.

The first important departure took place in 1794, when, to deal with the special problems created by the French Revolutionary War, and to administer the varied new possessions acquired during the war, a

new Department was created under a third Secretary of State, known as the Secretary for War and Colonies. It was organised in two distinct branches. The War section for the first time brought the administration of the Army under the management of professional administrators, and reduced the Commander-in-Chief to relative unimportance. The Colonial Department had to undertake a great mass of varied work, as new territories were conquered; and the number and variety of the new territories acquired during the Napoleonic War were remarkable.

The Colonial Department soon came to be known as the most 'bureaucratic' of all the Government Departments. It was the object of the first satire ever directed against British bureaucracy; Charles Buller, one of the colonial reformers of the 'thirties, wrote a vigorous and amusing satire on "Mr. Mother Country," in which he described how the affairs of the colonies were controlled (and in his view mismanaged) by pedantic officials who were quite unknown to the public, and whose proceedings were rarely even discussed in Parliament. Buller's principal target was Sir James Stephen, who, during a long period of service in the Colonial Department, first as legal adviser and then as Permanent Under-Secretary, directed British colonial policy with almost autocratic power. His nominal chief, the Secretary of State, was usually more interested in the military than in the colonial side of his office. Even when the Colonial Office was separated from the War Office in 1854, the Colonial Secretaryship was usually assigned to one of the least able and energetic members of the Cabinet. The colonies were so diverse in character, and their problems were so variegated, that only specialists knew much about them, and among the officials there were specialists on each of the colonies. This gave them a great advantage over the transient

Secretaries of State, usually men of no commanding ability. The consequence was that, except when a man of great capacity, with a genuine interest in the subject (such as Lord Grey 1846–1852 and Joseph Chamberlain 1895–1903), took command of the office, the government of the colonies was almost wholly under bureaucratic control; and the responsibility of the Minister and the sovereignty of Parliament were alike unreal.

If bureaucracy took hold of the Colonial Office, it took an even firmer hold of the India Office, when that Department was constituted in 1858 after the abolition of the East India Company. Here the Permanent Officials at home were brought into relations with the elaborately organised and highly competent bureaucracy of the Indian Civil Service, which governed India almost uncontrolled, and whose members were selected by the same system of examination, after being trained in the same universities, as the officials at home. The Secretary of State (who, like the Colonial Secretary, was seldom one of the abler members of the Cabinet) commonly knew little about India, and had rarely even visited it, save possibly for a cold-weather tour. To prevent him from meddling too dangerously, he was equipped with a Council, consisting almost wholly of men who had had long experience of bureaucratic power in India. Parliament took no interest in Indian affairs: the annual debate on the Indian Budget, the one regular occasion upon which Parliament reviews its stewardship of the interests of 300,000,000 people, always empties the House of Commons.

Before the East India Company was abolished, Parliament had been in the habit of instituting searching inquiries into the Company's work, at intervals of ten or twenty years, when the Charter of the Company was renewed. Each of these inquiries, notably those

of 1772 and 1833, had led to an overhaul of the system of Indian government, and to great and salutary changes. But the last of these inquiries took place in 1853. The East India Company was abolished five years later; and thereafter Parliament held no further inquiries, being satisfied because Indian affairs were nominally under the control of a Secretary of State, who was nominally under the control of Parliament. In reality, the powerful bureaucracy of India was left almost unchecked, save by the kindred bureaucracy of the India Office; it was less interfered with than in the days of the East India Company; things went on quietly and efficiently in the traditional way; and it was not until the clamour of popular discontent in India forced public opinion at home to address itself to the problem of Indian government that this problem —which is surely the greatest and the most bewildering on the face of the earth—began to be seriously thought about.

Great as was the power thrown into the hands of professional administrators in colonial and Indian affairs, it was less significant than the increase of their functions which came from the social reconstruction that was carried out at home during the nineteenth century; because this meant that the old English tradition of 'self-government,' that is, government by amateurs under the criticism of their fellows, was being replaced by professional administration, merely checked—and, as we shall see, not very effectively checked—by elected representatives.

It is possible to trace three broad stages in the development of the modern administrative system of Britain. In each stage the professional administrator becomes more important, and the element of bureaucracy becomes stronger.

The first stage covers the period of constructive social reform which followed the Reform Act of 1832.

In 1833 the first effective Factory Act was passed. It set up Inspectors under the Home Office, to go round the factories and see that the provisions of the Act were carried out. But the Inspectors did more than this. Their regular reports pointed out the further reforms that were needed, and the methods of achieving them. It is not too much to say that the Inspectorate provided a large part of the driving-force that created the whole Factory Code. In the next year, 1834, the new Poor Law was enacted; and the Boards of Guardians, who took over the power of the old uncontrolled Justices of the Peace, were placed under the control of a body of Poor Law Commissioners. The active spirit in this body was that industrious bureaucrat, Edwin Chadwick; and it was the rain of Orders and Instructions which he poured forth, far more than the Act itself, which fixed the character of the Poor Law system. Chadwick's devouring energy later led (1848) to the first of the Public Health Acts; and from the beginning it was the driving force of the officials in London which compelled the local authorities to make active progress in applying these Acts. Meanwhile the new police system, created in the first instance by Sir Robert Peel, had been brought under the control of the Home Office, whereas previously police functions had been left entirely to—and scandalously neglected by—the local authorities; the Home Office also took over responsibility for the prisons. Again, in 1839 the central Government first began to take an interest in popular education, hitherto left entirely to the voluntary efforts of the Churches. Small exchequer grants were made to the schools; and Inspectors were appointed to see that they were properly spent. The reports of the Education Inspectors, and the Orders and Codes issued nominally by the Committee of the Privy Council on Education, but really by the head-

quarters ſtaff of an infant new Department of State, fixed the gradual development of the national ſyſtem of education, determined what the children were to learn and how their teachers were to be trained, and ultimately led to the great Education Act of 1870 and its successors.

In short, the necessities of social reorganisation brought bureaucracy into exiſtence; and without bureaucracy—that is to say, without a great deal of energy and independent initiative on the part of whole-time salaried adminiſtrators—no social reorganisation of any value could have been achieved.

The second ſtage, which occupied the second half of the nineteenth century, may be said to have begun with the eſtablishment of the Civil Service Commission, to which reference has already been made. Before that date many of the officials of the great Departments were men of inferior quality, appointed largely as a means of influencing votes; it was commonly said that this sort of corruption, and the inefficiency which always accompanies it, was the price that had to be paid for popular government; and the idleness of the Civil Servant (who was supposed to come to the office late, and make up for that by leaving it early) was one of the favourite themes of popular satire. These sneers were quite untrue of some Departments, especially the newer ones; but they were true of others. So long as the Civil Service was largely ſtaffed by third-rate men, it could not render full service to the community, nor could it make full use of the opportunities which offered themselves for the acquisition of power. But after the eſtablishment of the Civil Service Commission, and the seleƈtion of recruits by competitive examination, all this changed. The service was now ſtaffed by the ableſt men available; it very rapidly acquired the enviable reputation, which it ſtill preserves, of being not only able, but incor-

ruptible, zealous and devoted. When a body of able and hard-working men are entrusted with public functions to which they are called upon to devote the whole of their time, it is inevitable that they should incessantly strive to extend their activities. The main feature of this second period, therefore, was not so much the starting of new Departments and the assumption of new functions, as the constant expansion and development of the functions already undertaken, and the gradual winning of public confidence in the official.

The Englishman, indeed, was being gradually weaned, without being aware of it, from that distrust of 'officials' and 'bureaucracy' upon which he had long prided himself. An American lady once told the writer that she had been deeply impressed, in an English railway carriage, by the action of an elderly gentleman, who, finding that the window would not open, at once took out a postcard and wrote to inform the company of the fact, giving the number of the carriage. "That is the sign of a truly self-governing people," said the lady: "every citizen feels that he is responsible for seeing that things go right." The growing efficiency of 'officialism,' central and local, rapidly undermined this habit of mind. The Englishman was learning, when he found something wrong, not to put it right himself, but to say "*They* ought not to allow it": a sentence which assumes the existence, somewhere in the background, of a body of officials whose business it is to see that things go right. When people have got into the habit, in relation to any branch of public affairs, of saying "*They* ought not to allow it," they are learning to rely upon bureaucracy, and to that extent are ceasing to be self-governing. The process was going on steadily during the second half of the nineteenth century; and it was due to the increased efficiency and devotion of the public services, both central and local.

Our second period, the second half of the nineteenth century, has been described, absurdly enough, as the period of *laisser-faire* in British politics. Yet it saw a great and steady enlargement of the functions of government, and therefore of the activities of the professional administrators. Three important new Departments were started. The Local Government Board (1871) gathered up the scattered functions of the Poor Law officials and the Public Health officials, and generally tightened up the control exercised by the central Government over the local authorities. The foundation of the Board of Agriculture and Fisheries (1889) represented the assumption by the State of the duty of stimulating and assisting the cultivators of the soil in a multitude of ways. The establishment of the Board of Education (1899) co-ordinated various scattered activities which had grown up in a haphazard way, and prepared the ground for the creation of a genuinely national system of education under the Act of 1902. This Act, which was even more important than that of 1870, was essentially the work, not of its nominal sponsors, though they deserve their share of credit, but of the professional administrators who had been persistently enlarging their activities, and working out plans of development, during two generations. There was no sphere in which the work of administration made greater advance during this period than education, and none in which the professional administrators contributed more, for better or worse. The British national system of education is in a far greater degree the creation of the administrators than of either Parliament, or the Cabinet, or the scattered educational enthusiasts throughout the country: its character is mainly due to the Codes and Regulations which the officials drew up, and to the constant pressure which they exercised upon the local authorities. But it was only after 1902, when

the main lines of the system had been defined, that the full strength of bureaucratic influence was displayed.

The expansion of governmental activity in our second period was possibly most marked in the sphere of education; but it was very great in other spheres as well. The Board of Trade had been assuming more and more functions throughout the nineteenth century as the trade and industry of the country expanded; the Foreign Office had added to its old-fashioned diplomatic functions that of maintaining an elaborate consular service for the assistance of traders in every part of the world; every addition to the Factories Acts, the Food and Drugs Acts, and other legislation of this type, had added to the powers and the staff of the Home Office; the Post Office was becoming a gigantic organisation which rendered innumerable and very varied services to the community; the Treasury—aristocrat of all the Departments—had, in the time of Peel and Gladstone, developed an elaborate system of control over the expenditure of all the other Departments, and had become, in a fuller sense than ever, the very pivot of the whole machinery of government. Significantly enough, it was in the case of the Treasury that the vitally important function of the Civil Service, and its more or less independent activity, were first recognised in common parlance. In other Departments we often attribute to individual statesmen the work of their Departments; but we habitually speak of the control of *the Treasury*, or the monetary policy of *the Treasury*, in a way which implies the recognition of a corporate character, and even of a distinctive, continuous and independent will, not merely in the Minister at the head of the Department, but in the Department itself. This is the recognition of a powerful element of bureaucracy in our system.

The third, and the most remarkable, period in the

development of professional administration covers the years from 1906 to the present day. It began with the immense activity in social reform which distinguished the pre-war Liberal Government. The most striking feature of this work was the growing activity of the State in the sphere of industry. A network of Labour Exchanges was spread over the country, to assist workers in finding employment. Trade Boards were established to fix a minimum wage in industries where the workers were unorganised and therefore unable to protect themselves; and the State (acting, at first, through the Board of Trade) assumed the power of making the wage-rates thus fixed legally enforceable. A system of conciliation in industrial disputes was worked out. A Census of Production was set on foot. An elaborate system of Social Insurance, including Old Age Pensions, Insurance against Unemployment, and an immense scheme of Health Insurance which provided medical attendance and other benefits for the great mass of the population, was organised. The children of the nation were brought under medical inspection, and in many other ways child-life was taken under the protection of the State. A Road Board, endowed with funds drawn from the taxation of motorists, was set up to reconstruct gradually the road system of the country. A National Development Commission, with substantial funds, was instituted to see to the fuller utilisation of the country's resources. A survey and valuation of every acre of land in the country was undertaken. The whole telephone service was taken over by the State. All these new activities necessarily involved the engagement of large administrative staffs, who had to deal with highly complex and difficult questions, which were at once too numerous and too technical to be decided by busy politicians. These new State activities, moreover, brought the administrators into more direct contact with the daily

life of the people in all classes. For the first time a popular outcry began concerning the rapid growth of 'bureaucracy.' Yet all, or almost all, these new activities were necessary for the well-being of the community, as has been shown by the fact that every subsequent Government has enlarged and increased them, while nobody (except Sir Ernest Benn) has ever seriously proposed to abandon them. And all this new work could only be carried on by and through trained professional staffs.

Then came the war; and under its urgency the work of the professional administrators was swiftly and incredibly expanded. New Departments blossomed like the leaves in spring. The whole engineering industry was brought under the control of the Ministry of Munitions. The whole of the country's shipping was subjected either to the Admiralty or to the Ministry of Shipping. The nation was rationed by the Ministry of Food. Every important industry—coal, cotton, wool, agriculture—was brought under some form of control. A vast improvised staff had to be organised to carry out these new functions. They were scarcely at all controlled or regulated by the Cabinet, whose attention was engrossed by the problems of the war; they were not controlled at all by Parliament, which had become little more than a registering machine for the edicts of the War-Dictatorship. Most of these emergency organisations disappeared, as a matter of course, as soon as peace was restored. Their feverish, improvised and often high-handed or ill-considered actions left an evil savour in the mouth of the nation; and for a time it seemed likely that there would be a violent reaction against 'bureaucracy.' But they had also demonstrated that, in any emergency, the nation had learnt to rely mainly, not upon voluntary effort, but upon the organised work of whole-time salaried administrators.

Accordingly, when peace returned, it was found that a good deal of the administrative development of the war-period still survived; and in some fields there had to be a further expansion to deal with the problems of reconstruction. Thus the normal working of the coal industry had been so gravely disturbed, and its recovery was so seriously threatened by the development of new sources of power and by other factors, that the State had to assume, in a series of Acts, new responsibilities in regard to this basic industry: the establishment of a special Ministry of Mines was the result. Again, the stoppage of building operations during the war had brought about a shortage of houses; the nation could no longer be content with the standards of housing to which the mass of the people had had to submit before the war; prices had so risen that it was impossible to meet the need in the ordinary course of private enterprise; and consequently the State had to assume—for a time, at any rate, and perhaps in perpetuity—the responsibility (in conjunction with the local authorities) of providing for the housing of the people on an adequate standard. This immense new task, together with the kindred tasks of demolishing slums, planning new areas, and re-planning old ones, was entrusted to a new Department, the Ministry of Health, which also took over all the old functions of the Local Government Board, and all the work of the National Health Insurance scheme. From the outset, this new Department became one of the most important departments of State. Its functions were so varied, complex and technical that they naturally fell mainly into the hands of the experts. Again, the experience of the war, and the swift growth of motor traffic, had made a reconstruction of the whole national system of transport seem desirable. For this purpose a new Ministry of Transport was created. Finally, high wages had ruled

during the war. A sudden return to pre-war rates was highly undesirable, and would be likely to lead to fierce and even revolutionary conflicts. Accordingly the system of Trade Boards, for the fixation of wages in unorganised trades, was immensely expanded; elaborate new methods of negotiation, and new machinery for industrial conciliation and arbitration, were set up; and at the same time the range of the Unemployment Insurance scheme was expanded to cover the whole of industry. To administer all these new and difficult functions, and also to manage the Labour Exchanges, another new Department, known as the Ministry of Labour, was set up.

All these developments, which immensely expanded both the sphere of Government action and the numbers and functions of the professional administrators, were the result of the first period of reconstruction (1918–1922) which immediately followed the war. Since then the State has assumed responsibility for the systematic organisation of electric supply throughout the country; and it has also established a monopoly of the new system of broadcasting. These functions, significantly enough, have not been placed under any Ministry: they are not controlled directly by the Cabinet, nor are they in any sense under the control of Parliament, except that Parliament passed, and may amend, the Acts which defined their methods of administration. Within the limits laid down by law, they are controlled by salaried experts; that is to say, they are purely bureaucratic organisations.

In the last few pages we have traced, in broad outline, the enormous and rapid expansion of the numbers, functions and powers of the professional administrative class in Great Britain. This is a phenomenon which is surely of supreme constitutional importance. It is not less significant—perhaps it may turn out to have been more significant—than the con-

current expansion of democracy by the enlargement of the franchise. Plainly it is absurd to write and speak about our system of government as if this immense development had made no difference to it. The political theorists of the mid-nineteenth century almost disregarded it, although it had already gone far in their time; and wrote as if only Parliament and the Cabinet counted for anything in the government of Britain. We ought not to repeat their blunder, or go on echoing the hallowed phrases of Mill and Bagehot as if the revolution we have described had never taken place. We must strive to avoid the error of which Burke says most people are guilty, that of being "fifty years behind hand in their politicks."

But are we justified in saying that this remarkable expansion of the functions of the State implies that our system has become 'bureaucratic'? The word cannot be justified if these huge staffs of professional administrators are only the agents and servants of directing brains outside of their *cadre*. Now nobody would assert that the power of the administrative staff is wholly uncontrolled, or that the Cabinet and Parliament have no influence at all upon the course of events. Our system is certainly not a *pure* bureaucracy. It is often difficult to determine where the real initiative, and the effective power of decision, actually lie in practice. This subject demands further exploration. Can we say that the professional administrators wield any uncontrolled, or imperfectly controlled, authority? If so, there is an *element* of bureaucracy in our system, and it is important to form a judgment as to its strength and as to the extent to which it is under control.

III. *The Powers of Bureaucracy*

Let us consider, not merely forms and theories, but realities and facts, in regard to the three functions of

administration, legislation and finance. In administration, the Permanent Civil Service is supposed merely to give effect to the will of the political head of the Department; in legislation and finance it is not supposed to possess any power. Do these theories correspond with the facts? Let us examine this question, taking the three functions in order.

A. *In Administration*

Think of a newly appointed Minister, taking command of a great Public Department, such as the Ministry of Health or the Colonial Office. He has obtained this position because of his achievements in the general field of politics—because he is a good platform speaker, or a good parliamentary debater, or commands a great deal of social influence, or is a prominent Trade Union organiser. In a majority of cases he has no special knowledge of the immense and complex work of the Department over which he is to preside. A great part of his time is necessarily swallowed up by discussions in the Cabinet and in Parliament, by party negotiations, by electioneering activities, by public engagements of great variety, by all sorts of social calls. He has to deal with a body of officials who may be, and often are, men of far greater natural ability than himself, and who have been giving their whole time in quietness to the study of the problems of the office, during the years when he has been making his position in the world, or talking fluently on platforms. They bring before him hundreds of knotty problems for his decision: about most of them he knows nothing at all. They put before him their suggestions, supported by what may seem the most convincing arguments and facts. Is it not obvious that, unless he is either a self-important ass or a man of quite exceptional grasp, power and courage (and both of these types are uncommon among

successful politicians), he will, in ninety-nine cases out of a hundred, simply accept their view, and sign his name on the dotted line? In the hundredth case, some question of party principle—some promise that has been flourished on the platform—may be involved. The officials, of course, know this. They perhaps point out (what he had never realised) the practical difficulties in the way of a literal fulfilment of his pledges. They suggest to him a plausible compromise, which will save his face without making too great a breach with the accepted policy of the office. They know that with one type of Minister they will have to go slow, and that with another type they can suggest bolder devices. But it is they who have to work out the practical methods of doing what is to be done. On the whole, the policy of "the Office" will nearly always prevail: its powers of quiet persistence and of quiet obstruction, and its command of all the facts, are irresistible except to a man of commanding power.

The Minister has to answer questions in Parliament about all sorts of details: he is supplied by the Office with neatly typewritten replies; and, if he is badgered, there is an expert from the Office waiting under the gallery of the House of Commons to supply him with all needful help. The Minister has to make a big speech in Parliament, or on some important public occasion: the Office supplies him with all the necessary facts and arguments, and, if need be, his official Private Secretary—a very clever young man—writes his speech for him. The Minister has to receive a deputation of disgruntled followers, or of experts from the local authorities who want to challenge something the Office has done: he meets them in the Office, and at his elbow are experts with all the facts and figures, ready for any objection that may be raised. On the other hand, if he has insisted upon taking his own way, the

speech will not be so conclusive, the answers to objections will not be so convincing, and he will get into trouble. In general, however, the Minister has everything to gain from his relations with his officials. He gets all the public credit for their work. He is at a great advantage in all discussions. He is made to appear, in the eyes of the public, a monument of knowledge. On the other hand, his 'responsibility' for everything done in the Office is a great safeguard to the officials. If their procedure is seriously challenged in Parliament, the Minister can turn on the Government's majority to protect them, and to foreclose any serious inquiry. Bureaucracy thrives under the cloak of ministerial responsibility.

It would, of course, be a grave blunder to suggest that Ministers are always, and in all respects, merely the puppets of the bureaucracy, merely the cover behind which their power is wielded. A change of Ministry always brings a change of outlook and attitude in some Departments—not in the bulk of their work, but in some of its outstanding features: when a Ministry of pacifist sympathies, for example, succeeds a Ministry of militarist leanings, the Departments concerned have to adjust themselves to the new outlook. The change is, indeed, often less great than it is made to appear on the platforms of the rival parties, because, behind the scenes, the pressure of the Offices usually tends towards continuity of policy. Nevertheless, there is a real change when a new steersman takes the wheel, even if he is very conscious of his own ignorance of navigation, and very dependent upon the advice of his experienced crew. Moreover, when a powerful personality, with the gift of quickly adjusting himself to a new set of facts, takes command, he can often put a new vitality into the work of the office, and shake it out of the traditional routine into which all offices are apt to fall: a Joseph Chamberlain, a Haldane, a

Lloyd George, can profoundly and permanently alter the methods and outlook of a Department.

In these ways the changing political element in our administrative system counts for a good deal and plays a very valuable part; and it would be wholly untrue to say that our system is a pure or uncontrolled bureaucracy. But it remains true that, over the field of central administration taken as a whole, the continuous and persistent influence of the permanent Civil Service is the dominating fact; and therefore that the element of bureaucracy is of vital importance, though its strength is masked by the doctrine of ministerial responsibility.

B. *In Legislation*

In legislation the influence of the permanent officials is less obvious, but not less real. The legislation introduced by any Government, and carried by it through Parliament, falls into two categories. The first consists of those major controversial measures which are designed to carry into effect the promises given by the Government party to the electorate, and these occupy the major part of the attention of Parliament and the country. Their main ideas are, of course, due to the party which proposes them. But they have to be put into form by the Departments which will have to administer them, and, in the process, the proposals sometimes undergo a subtle change. Moreover, the Departments sometimes use these opportunities to obtain legal sanction for many changes suggested by their departmental experience. Thus the Derating and Local Government Act of 1929, which might have been a comparatively simple measure, was turned into a vast and complicated measure because there were imported into it a mass of proposals only indirectly related to the main theme, which had long been pigeon-holed in the Department as desirable

changes, and which could now be got through, almost without discussion, by the use of the automatic Government majority.

But the main controversial measures—the Party Bills—form almost always the smaller part of the legislation carried through Parliament. The greater part of the Public Acts placed upon the Statute Book are Departmental measures, suggested by the administrative experience of the officials; and these sometimes affect the daily life of the people more than the Bills about which controversy rages. In these cases the real initiative in legislation, as well as the real responsibility for shaping its form, belongs to the Permanent Officials, though the Government of the day takes credit for them. Sometimes a Bill of this type is handed on from one Government to another. A current instance is the long-promised Factory Act, which has been in incubation for a number of years. The Labour Government of 1924 talked about it; the Conservative Government of 1924–29 promised in every session to introduce it; it may in the end be carried by the National Government or its successor. No doubt the colour of some of its provisions will be affected by a change of Government. But in the main, whatever party carries it, and takes the credit for it, and denounces its opponents for criticising it, it will be a Departmental measure, initiated and shaped by the Permanent Officials.

There is another form of legislation which never comes before Parliament at all, or only comes before it by 'lying on the table' for a defined number of days, in order that members may take exception to it if they think fit. This kind of legislation may be called 'administrative regulation,' and it is almost wholly due to the Permanent Officials, though the Minister of the Department concerned may hold it up or modify it if he thinks fit. We have already noted how the Poor Law system of the nineteenth

century, in its practical working, was almost wholly shaped by the administrative instructions and regulations first of the Poor Law Board, and later of the Local Government Board; and how the character of the educational system has been determined mainly by the codes and regulations drawn up by the various central authorities which dealt with the subject, and finally by the Board of Education. A more familiar instance of the same type, which directly affects the livelihood of some millions of families, is provided by the wage-rates of industries under Trade Boards. These Boards have been nominated, at first by the Board of Trade, later by the Ministry of Labour, but always by Permanent Officials; their proposals have been revised and amended by the Board or the Ministry; they have then 'lain on the table' in both Houses of Parliament for the prescribed period, nobody paying the least attention to them; and they have then become law, enforceable by the Courts just as if they were Acts of Parliament.

This kind of subordinate legislation, which Parliament never even discusses, has been going on for a long time. In 1904 the Orders and Regulations then in force were ordered to be published. They filled thirteen volumes. But that was before the period of immense activity in social legislation which began in 1906 and has continued to the present day. During this period there has been an immense expansion of Departmental legislation. Many, perhaps most, of the numerous Acts of the period have contained clauses empowering the Minister (which, in nine cases out of ten, means the officials of the Department) to issue Orders or Regulations which shall have the force of law. The extent to which the practice has grown may be illustrated by the figures for the year 1927. In that year forty-three Public Acts of Parliament were passed. Of the majority of these the public

heard little or nothing: they were not controversial measures, but were proposed by the Departments and passed with very little discussion. Twenty-six of them contained a clause empowering 'the Minister' to issue Orders having the force of law. In the same year, 1927, which saw the passing of forty-three Acts of Parliament, no less than 1349 sets of Orders or Regulations were issued by the Departments. They were as much part of the law of the land as the Acts.

In some cases the clauses empowering the issue of Orders provide that they shall 'lie on the table' for twenty days or forty days, in order to give Parliament an opportunity of discussing them, and that they shall not be valid until this time has passed without any challenge being made. More often it is provided that the Orders shall come into force at once, though they are to 'lie on the table' for a period. Most often there is no provision at all for their 'lying on the table'; the fiat of 'the Minister'—that is, of the officials—is enough to give them the force of law. In any case, the nominal submission of them to Parliament is of little use, for Parliament never discusses them. It is nobody's business to call Parliament's attention to them; no committee is ever appointed to review them, and no parliamentary time is allocated for discussing them. Recently a still more remarkable expansion of Departmental Legislation has begun to make its appearance. In the Rating and Valuation Act of 1925 'the Minister' was not only given the usual power to issue Orders, but he was further empowered to 'do any other thing which appears to him necessary or expedient' for the purpose in view; and, most remarkable of all, it was provided that "any such Order *may modify the provisions of this Act* so far as may appear to the Minister necessary or expedient for carrying the Order into effect." In other words, the Department took to itself powers to alter

the Act which it was to administer. No doubt the officials argued that the Act was their Act; they had made it; why should they not alter it? Parliament passed these provisions, apparently without realising the remarkable character of what it was doing. After all, similar provisions had been included in the Unemployment Insurance Act of 1920.

Some of these clauses give to 'the Minister' the power of settling disputed points, and provide that his decision (which usually means the decision of some unknown official in the Department) shall be final. This often has the effect of making it impossible for an aggrieved person to obtain redress in the courts of law. For example, the law entitles disabled soldiers to pensions. But the Regulations of the Ministry of Pensions decide under what conditions the pensions shall be awarded, and in almost any case in dispute 'the decision of the Minister is final.' A poor fellow, perhaps disabled for work, is on trial, if not for his life, at any rate for his livelihood. But the case is settled behind closed doors. He cannot have his case argued for him, or produce evidence to be examined and cross-examined: 'the decision of the Minister is final.' For another example, the Minister of Health can strike the name of a doctor off the panel under the Health Insurance scheme for various reasons, one of which is 'excessive prescription'—that is, for giving to a patient more expensive medicine than the Minister (or the official acting in his name) thinks desirable. This may involve the loss of the doctor's livelihood. But he cannot have his case heard before the courts of law: he cannot appear in person or by counsel, or call the evidence of other doctors. 'The decision of the Minister is final': an Act of Parliament has said it, and no court of law can interfere. No doubt the officials of the Departments use their immense powers with anxious care and every desire to do justice. But it is contrary to the essential prin-

ciples of justice that a man should be sentenced to a severe penalty without being heard.

Many eminent lawyers have protested against the growth of this practice, whereby citizens are deprived of the right of appeal to the courts. In a book entitled *The New Despotism*, the Lord Chief Justice has set forth a vigorous indictment of the whole system, buttressed by a great array of documents. It may be that Lord Hewart claims too much for the Law Courts, and that there are many questions which can best be settled by more informal means. But nothing can justify a system under which citizens may be seriously penalised, and even deprived of their livelihood, without being heard.

How has this remarkable development of Departmental Legislation come about? The public is scarcely aware of it. Parliament is scarcely aware of it. Yet Parliament has done it, and is formally responsible for it. Parliament has passed the Acts which contain these enabling clauses; and Parliament allows the legislation made under their terms to go through without discussion. Why? In the first place, because the process is concealed under the cloak of ministerial responsibility. It is 'the Minister' who wields these powers, and issues these orders; and 'the Minister' is supposed to be responsible to Parliament. That is why Parliament has permitted so great an invasion of its legislative powers. In the second place, the supremacy of the Cabinet, when it is in command of a majority, ensures that any Bill for which it has accepted responsibility shall normally go through; and it accepts responsibility for a great mass of legislation shaped by the officials which it has never examined. Cabinet dictatorship is the bulwark behind which the power of bureaucracy has grown.

In the year 1539 one of Henry VIII's Parliaments, which has often been described by historians as the most slavish in English history, passed an Act which

gave the force of law to the King's proclamations; and this has been described as a sort of surrender into the hands of despotism of the fundamental control over legislation. In recent years, under the influence of Cabinet dictatorship, Parliament has gone far towards making a similar surrender, not to the Cabinet (which, after all, is under some sort of control, ineffective as it may be), but to the bureaucracy, which, behind the veil, wields so much of the reality of power.

C. *In Finance*

We have discussed the power of bureaucracy first in administration, and then in legislation. There remains the sphere of finance. We are always told that the House of Commons 'holds the strings of the purse,' and that this is the very keystone of its position. Does bureaucracy wield any power here? The management of the national finances has two aspects: first, the amount to be spent has to be fixed, and this is governed by the Estimates put forward by the various Departments; then it has to be decided how the necessary funds are to be raised. At each stage the influence of the Permanent Civil Service is of crucial importance.

It is true that a Government may come into office which is pledged to greatly increased expenditure in one form or another—for unemployment pay, for example, or for armaments; and in that case theirs is the determining voice. But the main bulk of the Departmental Estimates, and the steady increase which nearly all of them tend to show year by year, are due mainly to the constantly expanding activities of the Civil Service. It is true, again, that a Government may come into office pledged to a drastic reduction of expenditure—it may even have promised to cut down the Estimates progressively by £10,000,000 a year, as Mr. Winston Churchill did in 1925. Why does it not do so?

The main cause is the steady resistance of the Departments; and in such cases the political heads of the Departments are usually found—despite all their pledges—to be very easily turned into the mouthpieces of their Departments, in opposition to their colleagues and to the declared policy of their party. Mr. Winston Churchill, who made that rash promise about the £10,000,000, does not stand alone. He has companions in defeat in the leaders of the Labour Party, who came into office in 1924 pledged to drastic reductions in the expenditure on the fighting forces, and actually increased that expenditure by several millions of pounds. The Departments were too strong for them.

Again, in regard to the modes of taxation by which the necessary money is to be raised, a Government may come into office pledged to a particular new form of taxation: it may, for example, favour the imposition of tariffs on imports, or a capital levy, or an inflation of the currency, or a swingeing surtax. The Departments concerned will, of course, have to give way. But the Government is apt to learn from the officials that the objections and obstacles to its proposals are greater than it thought. The Conservative Government of 1924–29 found that the Board of Trade somehow turned down most of the Safeguarding Duties that were proposed. It may find that Treasury opinion regards with a chilling disfavour new financial panaceas; and it may find itself overcome by a strange timidity in the presence of the Treasury Experts, backed by all the terrifying authority of The City. The Treasury, more than any other Department, seems to have a strange power of dominating and daunting Unorthodox Financiers. It succeeded in turning Mr. Philip Snowden, that Robespierre of Socialism, into an orthodox exponent of Gladstonian finance. But, in return for submission to its canons, it can turn its political chief into the darling of The City.

A striking proof of the real power of the Treasury was afforded by the policy of successive Governments on Unemployment. For years a vast problem of unemployment has faced the nation; it might be mitigated, to the permanent advantage of the community, by a well-devised and profitable policy of capital expenditure on national development and on the re-equipment of industry with better transport and more abundant power. But the Treasury has opposed all capital outlay, however productive and useful, because its eyes have been fixed solely upon the possibility of getting capital cheaply at low rates for the conversion of debt; and the fact that it did not succeed in getting money cheap for this purpose until industry was brought almost to stagnation did not alter its view. The Treasury is strong enough to impose its purely traditional orthodoxy upon people of widely different schools of thought; and its pitying smiles can frighten even the reddest of Socialists into a timid and ineffectual course of action.

In short, in our system of government the power of bureaucracy is enormously strong, whether in administration, in legislation, or in finance. Under the cloak of ministerial responsibility and Cabinet dictatorship it has thriven and grown until, like Frankenstein's monster, it sometimes seems likely to devour its creator. It is not, of course, wholly uncontrolled; its action is profoundly modified by the temper and character of the political chiefs under whose nominal control it works. But when all is said, it has become the most vital and potent element in our system of government, although in the eyes of the law it wields scarcely any formal authority.

IV. *Is the Growth of Bureaucracy Dangerous?*

There are many who regard with apprehension, and even with dismay, the rapid expansion of Government

functions, and the increase in the power of bureaucracy which seems almost inevitably to accompany it. They feel that we are being over-governed, and that the boasted liberty of the British peoples is being seriously undermined. They think it is time to call a halt, and to refuse to allow Government to assume any further powers. Some antediluvian thinkers, like Sir Ernest Benn, urge that we ought to retrace our steps, and cancel all, or most of, the social legislation of the last two generations.

Those who hold these views fail to realise that the change is not limited to our own country, but is going on everywhere, even in America, which is supposed to be the stronghold of unqualified individualism. And the reason why it is going on everywhere is that, as the complexity of our civilisation increases, and as all classes and all individuals become more and more dependent upon the smooth working of the system as a whole, it is inevitable that there should be an increasing amount of common regulation, which means an increasing degree of governmental activity. When traffic increases we must have policemen at road-crossings; and their presence and their directions do not diminish the real liberty of the traveller, they increase both his security and his freedom of movement. Moreover, just because of the complexity of modern life, and its growing dependence upon science, it is inevitable that the work of regulation should mainly fall upon experts.

We are still far from the end of the increase of the functions of government. It will, and it must, go on. We ought, indeed, to watch with care every stage in this expansion, making sure that it is really needed, that it takes the right form, and that it is organised in the right way. It is merely futile to denounce bureaucracy in the abstract. Some element of bureaucracy (which simply means government by profes-

sionals) is indispensable. What we have to do is to guard against the characteristic dangers and defects of bureaucracy, to see that it is subjected to a continual stream of instructed and effective criticism, to ensure that it is brought under control. And one of the main questions which will engage our attention in later chapters is the question whether our system of government gives adequate opportunities for instructed criticism and provides the means of intelligent control. Burke's antithesis is still a sound guide: we have first to see whether 'the Government' (including the bureaucracy) is rightly organised; and then to see whether 'the control on behalf of the people' works—or can be made to work—efficiently.

On the other hand, there are many who regard the growing power of bureaucracy with satisfaction. This view is not limited to those who, like Lord Passfield (Mr. Sidney Webb), are bureaucrats by instinct. It is widely shared, in a vague way, by others who distrust democracy and the kind of politicians that democracy, in its present stage, produces. When they think of the reckless promises by which (as they believe) votes are won under our existing methods of election, and how everybody seems to be promising that the millennium can be obtained by means of one quack remedy or another, and that we can (in one way or another) tax ourselves into prosperity without any unusual effort of work or thrift or thought, they rejoice to believe that the hard-headed bureaucrat, with his experience and his knowledge, is in reserve to check the panacea-mongers. It was, no doubt, this sort of feeling that moved a certain old Tory squire who surprised his friends by voting Labour at a recent election: when he boasted of what he had done, and was challenged for his reason, he replied that the Labour Party was the only party which would not dare to meddle with the Permanent Officials. But this view does not

sufficiently weigh the dangers that attend bureaucratic power when it is uncontrolled, or inadequately controlled, and when it is not preserved from deterioration or stagnation by a constant breeze of informed criticism, able to make itself effective. Bureaucracy is like fire—invaluable as a servant, ruinous when it becomes the master. We must therefore consider what are the characteristic defects or dangers of bureaucracy, how they can best be guarded against without sacrificing its virtues, and whether our system provides the right methods of criticism and control.

The members of the Permanent Civil Service hold their appointments on a secure tenure, are paid fixed salaries which are very modest in comparison with their abilities, have the right to a comfortable pension after a fixed period of service and (except in the case of the highest posts) are normally promoted by seniority. These conditions of service are of very great importance in fixing the character and work of the Service. They attract very able men, but they seldom attract men of great imaginative and creative power, or of an adventurous disposition: such men, if they find their way into the Service, usually find their way out again, to some occupation in which their individuality will be less dominated by routine, or seek (in literature or some other sphere) an outlet for their individuality outside their official life, like Matthew Arnold, Austin Dobson and (in our own day) Humbert Wolfe.

This feature of the Civil Service is often fiercely attacked by business men as the chief cause of the defects of bureaucracy. These critics would like to substitute a method of pay and promotion which would stimulate ambition and create a healthy insecurity of tenure: they would like to substitute the principle of 'Get on or get out,' which they hold to be essential if energy, initiative and enterprise are to be encouraged.

But critics of this type overlook a vital element in the situation. The business of government officials is to administer THE LAW. In doing so they must be above every suggestion or temptation of being influenced either by fear or by the prospect of personal advantage; whereas the fear of loss and the prospect of gain are the governing motives in business life. Fixed salaries and pensions, security of tenure, and normal prospects of promotion are the only methods by which the Civil Service can be raised above the influence of fear and favour. The business man who criticises bureaucracy fails to grasp the fundamental distinction between the work of industry and commerce and the work of government. The former is *productive* or *creative*, and demands the constant exercise of personal initiative in the solution of all sorts of problems as they arise; the latter is *regulative*, and demands the strict but understanding application of fixed rules.

This distinction is of fundamental importance. It is apt to be overlooked not only by the business critic, but also by those who unthinkingly demand that the State, working through its normally organised Departments, should undertake all sorts of creative or productive activities, for which its normal and proper methods of work are wholly inappropriate. If, for any good reason, it becomes necessary that the State should take over the direct control of any productive activity, it ought to establish for the purpose a wholly different type of organisation from that of the Civil Service, with different conditions as to tenure and pay, and consequently a different atmosphere. This organisation should be kept apart from, and independent of, the ordinary machinery of government; it should be assimilated to the organisation of a great business undertaking. We are beginning to realise this, as is shown by the new modes of organisation devised for the control of electric supply and other purposes; but

we have not yet thought out sufficiently the best forms of organisation for these ends. The Post Office, which is essentially a business organisation, not an organisation of government, would probably perform its work better if it were cut off from the political machinery of the State and more completely differentiated from the other Departments. Government (which means the necessary regulation of our common affairs and mutual relations) is one thing; the production of goods, or the rendering of services for payment, is quite another, and they should be kept distinct.

V. *The Characteristic Defects of Bureaucracy*

The dangers of an excessive degree of uncontrolled bureaucratic power spring from the essential conditions of a permanent official service.

The first of these is undue formalism—the multiplication of 'red-tape' and routine. A certain amount of 'red-tape,' which means punctilious exactitude in the observance of regulations, is essential in the work of administering the law, and excess in this direction is better than laxity. But it is very easy for a bureaucratic service to fall into excess: to multiply forms and files and endorsements and records so that the transaction of business is impeded rather than eased. It is significant that the modern facilities of the card-catalogue, the typewriter and the dictaphone sometimes seem to have increased rather than diminished this elaboration. Every soldier had exasperating experiences of it during the war; and it is significant that in some Departments where there seems to have been no material increase of business there is still a great overplus of clerical staff as compared with the pre-war period. Left to itself, any bureaucracy tends to multiply this formalism until it almost stifles itself; it seems to forget that the community does not exist for the purpose of filling up forms or obeying regulations,

but that forms and regulations exist for the service of the community.

France before the Revolution was governed by a bureaucracy which was only checked by an arbitrary and incompetent royal power; and there is something to be said for the view that the French Revolution was caused in part by the fact that the whole machinery of government was clogged by red-tape. In India, again, the growth of popular discontent against the most efficient bureaucracy that has ever existed was certainly increased (though not caused) by the fact that the number of reports which the officials had to compile, and the number of regulations which they had to observe, had been so inordinately multiplied that no time was left for human contact with the needs and complaints of the governed. In proportion as this process goes on, the business of government becomes dehumanised. That is why no Government which is predominantly bureaucratic has ever remained long in full vigour and efficiency unless it has been subjected to continuous and searching criticism and to effective control. Does our system adequately provide for this? Is the presence in each Department of a couple of harassed and driven political chiefs, who know very little about the subject, a sufficient safeguard? It is difficult to resist the conclusion that a more searching criticism than this is necessary. This criticism ought to be provided by Parliament—the "control on behalf of the people." It is not provided by Parliament, because Cabinet dictatorship stands in the way.

A second danger inherent in bureaucracy is that of 'self-aggrandisement.' When a body of able men devote their lives to a particular branch of the public service, it is almost inevitable that they should learn to feel contempt for the amateurs who insist upon meddling, should be impatient of criticism, and should

be inclined to the view that the best thing for the nation is that its affairs should be managed by those who *know*, with as little interference as possible. This is the very spirit of bureaucracy, and the feature of it that makes unresting watchfulness in criticism most necessary.

The official must often be impatient of the stupidity of his ignorant and distracted political chief: he is too wise and too polite to let his opinions be known, except in private, but he cultivates the art of 'managing' his chief. He must often be maddened by the incoherence of parliamentary discussions and by the way in which his carefully drafted clauses are made a mess of by amendments. How much better that Parliament should pass Acts in general terms, and leave 'those who know' to put the flesh on the bones with Orders and Regulations! He must often be annoyed by the delays and difficulties which are created when the private citizen (whose land may be wanted for a slum clearance, or whose rights may stand in the way of a desirable improvement) insists upon claiming his rights before the courts. How much better that questions of this sort should (wherever possible) be settled in the Departments, without reference to the law-courts, and that 'the decision of the Minister should be final'! The Minister may be a stupid fellow, but he is useful, and he and his party command a majority which is an invaluable safeguard. Lord Hewart is probably right in his contention that—no doubt, in the main, unconsciously—the Permanent Civil Service is becoming more and more impatient of the sham façade of democracy behind which it works, and is showing progressively greater skill in using the forms of Parliament, and the convenient doctrine of ministerial responsibility, as a cover for a steady increase of the power of the Departments. It is all done with the best of motives, pure zeal for good government, combined with impatience of incompetence. None the

less, it is a dangerous tendency, and it needs to be brought under control.

A third danger inherent in bureaucracy is the danger of 'departmentalism'—the danger of splitting up the work of government into a number of isolated and self-dependent sections, each pursuing its own ends without any adequate correlation with the rest. When a body of able men spend the best part of their working lives in the service of a single Department they are very apt to lose the sense of proportion, and to regard their own work, not as a part of a single great labour of national service, but as an end in itself, of supreme importance. In every great Department there naturally and healthily grows up a departmental loyalty or patriotism. This leads to inter-departmental jealousies and friction, to overlapping, and to a failure of co-ordination where co-ordination is needed. The Admiralty, the War Office and the Air Office are apt to think each of the development of its own branch of defence service as a thing in itself, rather than as a facet of the common problem of national defence. The Ministry of Health, which deals with poverty, the Ministry of Labour, which deals with employment and unemployment, the Board of Education, which deals with the training of children and adolescents, are apt to come to cross-purposes, each pursuing its own distinctive ends, and each jealously defending the limits of its own province, when it is often impossible to define any clear limits at all. Such illustrations might be multiplied. The result of friction of this kind is apt to be, on the one hand needless inefficiency or confusion, and on the other hand needless expense. A system such as ours, in which bureaucracy is very powerful and is organised in distinct Departments, must always need firm control and criticism to ensure efficient co-ordination and to avoid the waste of effort and of money.

There are other dangers inherent in a highly developed bureaucracy upon which it is not necessary to dwell at any length, because they have not yet seriously shown themselves in this country. One is that the professional administrative staff may come to regard themselves as a privileged class. We have hitherto been saved from this danger by the fact that we have no special *droit administratif* such as exists in France, whereby the offences of officials in the exercise of their official duties are tried in special administrative courts. With us, any excess of authority on the part of an official can be brought to judgment in the ordinary courts of the realm, and will be tried under the ordinary laws—unless, indeed, he is covered by some provision that 'the decision of the Minister shall be final.' But signs are not wanting that this danger may become greater if the power of bureaucracy continues to increase. Income-tax Collectors, for example, are sometimes rather high-handed, and clauses (drafted in the Treasury and carried by the automatic majority which is at the disposal of the 'responsible Minister') may be slipped into Finance Acts, giving powers to these debt-collectors such as other debt-collectors do not possess under the ordinary law.

Another danger is that where the subordinate staff of a Department such as the Post Office, or the staffs of local authorities which are under a high degree of Government control, such as the police, are very numerous, they may by combined action use their electoral power to bring to bear an illicit pressure—putting up their votes to auction between the rival parties. This danger is not unknown in other countries; there have been hints and inklings of it here in recent years. It supplies yet another reason for holding that all undertakings which involve the employment of large numbers of wage-earners should be kept as far aloof from Government, and as independent of it, as possible.

VI. *The Machinery of Control*

The conclusions to which we seem to be irresistibly led when we fix our attention upon realities and not upon theories may be briefly set forth as follows :—

(1) Bureaucracy has become, during the last century, and especially during the last generation, a far more potent and vital element in our system of government than the theories of the text-books recognise. It has, indeed, become the effective and operative part of our system.

(2) The power of bureaucracy is to be found not only in administration, but also in legislation and finance: it not only administers the laws, it largely shapes them; it not only spends the proceeds of taxation, it largely decides how much is to be raised and how it is to be raised.

(3) This change has been inevitable, and is not in itself a bad thing: with the growing complexity of society the work of government has become immeasurably more varied, complex and difficult; and it cannot be carried on except by an army of experts.

(4) But bureaucracy, by its very nature, is liable to serious dangers. It must be exposed to a continuous stream of informed, alert and effective criticism; it must be kept under control, being an invaluable servant but a dangerous master.

(5) The control exercised by amateur political chiefs who hold their offices, normally, for only a short time, and are distracted by all sorts of calls upon their time, is not adequate. On the contrary, the doctrine of the responsibility of Ministers to Parliament, when seen in the light of the supremacy of a party Cabinet controlling a standing majority in the House of Commons, has been in fact the cloak under which bureaucracy has grown to its present strength.

(6) It is the function of Parliament, in Burke's

phrase, to act as "the control on behalf of the People." Does Parliament effectively and successfully perform this function? That is the question to which we must next address ourselves.

The House of Commons always contains a large number of men whose special knowledge and experience would make them exceptionally valuable critics of one or another of the public Departments. There are, for example, shipowners and shipbuilders who would be eminently competent to criticise the methods of the Admiralty; trade unionists and employers whose advice would be of high value on the procedure of the Ministry of Labour; doctors and teachers and men with wide experience in local government who could give immense help in criticising the work of the Ministry of Health and the Board of Education; ex-planters and traders and others who have had direct experience of colonial administration; and so on. These men, most of whom have gone through the strain of a parliamentary election in the hope of doing some public service, would welcome any opportunity of putting to some practical use their gifts and their knowledge, without necessarily aiming at party or sectional ends. Yet the opportunities afforded to them are almost derisory, except in so far as they can exercise influence behind the scenes, which they could do almost as well if they were not in Parliament. This is one of the reasons why men of ability and public spirit are increasingly reluctant to give up the time which parliamentary work demands. The reason why so little use is made of the rich store of varied knowledge and experience that is still to be found in the House of Commons is that it is held that any closer participation in public business by private members than the existing practice allows would "undermine the responsibility of Ministers."

How much, in the way of detailed criticism and control of the work of government, does existing practice allow to ordinary members of Parliament? We shall have to discuss this subject more fully later. But, in the meanwhile, it is enough to say that there are four ways in which, according to the theory of the text-books, the work of the administrative Departments is 'controlled' by Parliament.

The first is through the responsibility to Parliament of the political chiefs of the various Departments. Enough has already been said on this head. The political chiefs are not, in any real sense, responsible to Parliament, because, whenever any action of their Departments is challenged, the challenge is repelled by the automatic majority wielded by the Cabinet.

The second is through the Cabinet as a whole, which is the only means provided by our system for co-ordinating the work of the Departments and guarding against the danger of 'Departmentalism.' In the next chapter we shall discuss the Cabinet, and the extent to which it succeeds in performing this vital function. But Parliament is never invited to take any part in this work, or even informed how it is going on. It is only by a sort of 'legal fiction'—the legal fiction that Parliament controls the Cabinet, whereas the reverse is much more nearly true—that we can attribute to Parliament any control over the co-ordination of the Departments and the general working of bureaucracy.

The third is through the debates on the Estimates which are annually submitted to Parliament for each Department in turn. These occasions might in theory be utilised for a general review of the working of each Department as a whole. But they are never used for this purpose; and if they were, a large miscellaneous assembly of 615 members, the majority of whom are never present during these debates, would be a very

unsuitable body to carry out such an inquest. Moreover, the accounts are presented in such a form that it is very difficult for the ordinary member to make anything of them. Such as they are, these debates are usually devoted to party demands that the amount of money to be spent on this or that shall be increased or reduced; or to broad discussions on issues of policy (such as the occupation of Iraq on the Colonial Office vote, or the prospects of disarmament on the Foreign Office vote), which are raised by formal motions to reduce the salary of the Minister, and are invariably disposed of either by being withdrawn when they have served their purpose of regularising the debate, or by being defeated by the stock Government majority in an almost automatic way. These discussions no doubt have their value. But they do not dispense with the need for a searching examination of the working of the Departments. This is never seriously attempted. If it were, it would be promptly disposed of by the use of the Government's majority; and it would be of very little use, because the ordinary member of Parliament has no access to the material necessary for a sound judgment.

The fourth, and the only remaining, method whereby Parliament exercises 'control' over the work of the Departments is the asking of questions, to which oral or written answers are given by the 'responsible Ministers'—always, of course, on material supplied by their Offices. Sometimes Ministers are badgered with 'supplementary questions,' arising out of the answers they have given. If they are put into a difficulty, they 'ask for notice of that question,' and so get time to be coached by the Officials. The question hour undoubtedly has real value. It often serves to bring into daylight obscure mistakes or abuses that might otherwise remain uncorrected. But its value is limited. A great part of the time is

engrossed by a small number of members who utilise it for purposes of self-advertisement, asking every day the maximum number of questions allowed, not so much because they want information, as because they want to see their names in the newspapers, which find questions more piquant than serious discussions. A large proportion of the questions deal with minute and unimportant points—often petty grievances of the questioner's constituents, which could be easily rectified by a private note to the Department concerned, but which are obtruded upon Parliament as a means of improving the questioner's popularity in his constituency. In short, parliamentary questions are (as a rule) so sporadic and unsystematic, and deal so much with mere minutiæ, and so little with the real problems of the working of the Departments, that they are of very little value for the purpose here under consideration, though useful for other purposes. Indeed, they probably have the effect of increasing the red-tape of the Departments, since, being liable to be fired at on every kind of minute point, officials are bound to feel that their chief safeguard is a rigid punctilio in sticking to the rules.

In short, the methods whereby Parliament is supposed (in the theory of the text-books) to ' control ' the administrative machine and the working of bureaucracy appear, on a first view, to be singularly ineffective: so ineffective that the growing power of bureaucracy appears by no means surprising. In saying this, we are anticipating a later discussion, in which we shall have to deal directly with the working of " the control on behalf of the people." Here we touch upon these points only in order to show how strong, and how ineffectively controlled, is the bureaucratic element in our system of government.

CHAPTER III

THE PRIME MINISTER AND THE CABINET

I. *The 'Party' Character of the Cabinet*

In the last chapter we discussed that element in 'the Government' which is permanent, which has expert knowledge, and which works in the background: in theory it has no independent authority, but in reality it wields an immense amount of almost uncontrolled power. In this chapter we have to discuss the second element in 'the Government'—that which changes with every change in the balance of power between parties in the country, which consists not of experts, but of politicians, and which works under the limelight of publicity. In theory it is dependent upon Parliament: in practice it is the master of Parliament, but its omnipotence is qualified by the fact that a small body of men cannot effectively wield such a plenitude of power as it possesses.

This changing element is known as 'the *Ministry*.' It consists of all those members of both Houses of Parliament who are appointed to various offices, great or small, by each new Prime Minister when he has been entrusted with the duty of 'forming a Ministry' after a victory of his party at the polls, or the defeat of a previous Ministry in the House of Commons. A post-war Ministry consists of about sixty-six salaried officers, who assume office together, and go out of office together. A large majority of the members of the Ministry are always drawn from the House of Commons. Although a Conservative Prime Minister

always appoints a larger number of peers than a Prime Minister of another party would do, the Conservative Ministry of 1924–29 contained forty-eight Members of the House of Commons, and only eighteen members of the House of Lords, half of them being Court officials. The total of sixty-six includes about a dozen Court officials, and a substantial number of Under-Secretaries and other subordinate Ministers. These never meet as a body, and have no influence upon policy.

The core of the Ministry, and the pivot of our whole system of government, is the Cabinet, which includes the political heads of all the great Departments, together with a few holders of ancient and honorific offices—the Lord President of the Council, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster—who have practically no specific departmental duties. A post-war Cabinet contains twenty-one or twenty-two members. It is the supreme ruling body of our system; and, so long as it is supported by a majority in the House of Commons, it fixes the direction of national policy with practically irresponsible power.

The Cabinet is, in short, the steering-wheel of the ship of State. But the steersman is the Prime Minister. He not only selects the Ministers and assigns to them their offices; he can dismiss any of them, or transfer them from one office to another; and, within certain limits, he can determine the size of the Cabinet. There are some marginal offices—those of the Chancellor of the Duchy, the First Commissioner of Works, the Attorney-General and the Postmaster-General—which are sometimes included in the Cabinet, and sometimes not, at the discretion of the Prime Minister; moreover, it is within his power, if he so desires, to reduce the size of the Cabinet by entrusting two or even more offices to the same man.

Lord Morley once described the Prime Minister as 'the keystone of the Cabinet arch.' The metaphor

is a good one, but it does not sufficiently express the greatness of the office. One of the sanctified phrases, repeated by all the text-books, is that in the Cabinet the Prime Minister is only *primus inter pares*, first among equals. The phrase is nonsense, as applied to a potentate who appoints and can dismiss his colleagues. He is, in fact, though not in law, the working head of the State, endued with such a plenitude of power as no other constitutional ruler in the world possesses, not even the President of the United States. For, so long as his party commands a majority in the House of Commons, he can do what no President can ever do—he can give a pledge beforehand that such-and-such a treaty will be signed and ratified, that such-and-such a law will be passed, or that such-and-such moneys will be voted by Parliament. He can do this because, so long as he controls a majority in the House of Commons, he wields all the powers of Parliament as well as all the powers of the Crown. But it is necessary that he should carry his colleagues in the Cabinet, or a large majority of them, along with him; because, while they are his nominees, they are also the leading members of his party, and all his power will disappear if he cannot count upon the support of his party.

The whole strength of the Prime Minister thus rests upon the fact that he is a party Chief, the recognised Leader of a party which has obtained a majority, or at least a larger number of seats than other parties, in the House of Commons—whether it has the support of a majority in the nation or not. If his party loses that position, or revolts against his leadership, in an instant all his power melts away. Hence our system presents us, every few years, with a spectacle which can only be compared with the sudden exaltation and abasement of the Viziers in oriental tales, who are at one moment absolute autocrats, and at the next beggars in the gutter; the roulette-wheel of the electoral gamble spins, and

one man is suddenly reduced from dictatorship to impotence, another as suddenly elevated from impotence to dictatorship. At one moment a man has at his disposal peerages, honours, viceroyalties, all the greatest and most splendid offices in the State, to give or to withhold; he can make peace or war, can decide what laws shall be made, and take from the pockets of 45,000,000 people almost what money he thinks necessary: at the next he can do nothing but carp at the proceedings of his successor.

There are many who find interest and excitement in the gambling chances of these violent alternations—for they *are* gambling chances: with the same amount of electoral support a party may in one election obtain a sweeping majority, and in the next be placed in a hopeless minority; the thing has happened in recent years.[1] But there are some who doubt whether it is healthy either that one man should wield such uncontrolled power as a Prime Minister who has a majority, or that, after he has acquired knowledge and experience, he should be reduced to such complete impotence as befalls him when he is placed in a minority. That, however, is our system.

While each Minister is in a special degree responsible for his own Department, the Prime Minister and the Cabinet are regarded by orthodox constitutional theory as jointly and severally responsible for the whole work of government. This means that they stand or fall together; if one of them is attacked, the whole strength of the Cabinet comes to his defence. Even if the rank and file members of the party which supports the Cabinet are convinced that a particular Minister is misguided or incompetent, they cannot get rid of him, so long as the Prime Minister is loyal to him,

[1] 1922: Conservatives got 38% of the votes and a majority of 79.
1923: " " 38% " " but a minority of 83.
1929: " " 38% " " " " 98.

unless they are prepared to throw the Ministry out as a whole, to submit to the trouble and expense of a general election, and probably to 'let the other fellows in.' It was by means of this solidarity that the Cabinet succeeded in excluding the King from any effective participation in the direction of affairs; the last conflict on this head took place in 1834, when William IV tried to exclude certain Ministers from office, and the Melbourne Cabinet successfully withstood him. It is by means of Cabinet solidarity also that Parliament has been reduced to subjection; and it is under the cloak of this theory, which upholds the complete responsibility of every individual Minister, that the growth of bureaucracy has gone on unchecked.

Since the autocracy of the Prime Minister and the Cabinet depends upon a firmly organised party discipline, it follows that every member of the Cabinet, and indeed of the Ministry, is normally drawn from the same party; and party-spirit supplies the driving-force of the whole machine. This has been an essential feature of our system ever since the Revolution of 1688. In a few cases two parties have formed coalitions; in two cases, during the war and again in 1931, National Governments, drawn from all parties, have been formed to deal with special emergencies. There have only been five coalition Ministries in the last hundred and fifty years. Three of the five were very short-lived; four of the five were, or became, highly unpopular. Only one of them was successful: the coalition of Conservatives and Liberal Unionists in 1895; but this was because these two parties were already well on the way to complete coalescence. As for National Governments, they are in the nature of things temporary, and lose their national character with the disappearance of the emergency which calls them into existence.

There are two reasons why a coalition of two parties

which intend to maintain their separate existence has never been successful, even when they have joined forces only for a definite purpose and for a limited period. The first springs from the working of our electoral system. If the two parties in a coalition look forward to resuming their independent existence, they are bound to carry on their educational work in the country. But in a system based upon single-member constituencies it is impossible to do this in any constituency represented by a member of the other wing of the coalition without causing friction and anger. One or other of the parties, perhaps both, will feel that they are being victimised. Under a different electoral system, as the experience of other countries has shown, a self-respecting coalition for agreed purposes can be maintained without weakening the parties to it.

The second reason is even more vital. When two parties with different outlooks and principles combine forces, the discussion of their differences must be carried on secretly in the Cabinet chamber, instead of being carried on healthily and openly in Parliament and in the country. The policy of such a Ministry is apt to show violent oscillations; and the co-operation of the various Departments is apt to be impeded when their chiefs take widely different views of the aims of national policy. Here, indeed, lies the chief justification for party-ministries: the work of government is carried on best when all its Departments are under the control of men who share the same general point of view, understand one another easily, and have the habit of working together.

Some shallow critics denounce the system of party government because it deprives the country, at any given moment, of the services of some of its ablest men. That view was tested, and proved to be fallacious, when in 1766 the great Chatham formed a non-party (or all-party) Ministry which was manned

by some of the ablest men of all sections. From the outset they were all at cross-purposes; and although they were as individuals the ablest group of men who held office together during the eighteenth century, their record was one of pitiful failure and disaster. All experience goes to show that a Cabinet drawn from a single party works best, because it has a unity of character and purpose. But it does not follow from this that Cabinets ought to exercise the almost unqualified dictatorship which they have wielded during the last two generations, or that they should be practically exempt from any effective control by Parliament.

II. *The Omnipotence of the Cabinet*

We have repeatedly referred to the 'dictatorship' of the Cabinet, or to its omnipotence. How real this is may best be indicated by a very brief summary of the functions which a modern Cabinet is expected to perform.

1. The Cabinet has to define the lines of national policy, and to decide how every current problem which may arise at home or abroad is to be treated. This is the most important of all the functions of the Cabinet. It might well demand all the time and all the thought of the group of men who have to undertake it. Necessarily those who undertake this task ought to be in touch with all the main Departments of State; and this is why the Cabinet is bound to include the heads of all the principal Departments. But it would seem to be undesirable that they should be immersed in the detail and routine of their Departments if they are to be able to give their minds to the problems with which they have to deal. Parliament is supposed to exercise control over the performance of this vitally important function. Its control, as we shall see, is apt to be very unreal when the Cabinet is in command of a majority of pledged supporters.

2. The Cabinet is held to be responsible for every

detail of the administrative work carried on by the whole vast administrative machine. This responsibility is exercised through the individual Ministers in charge of the various Departments. But the Cabinet as a whole is supposed to endorse, and to accept responsibility for, everything that is done. When it commands a majority in the House of Commons, it can, and it usually does, repel any criticism or attack upon any administrative act. The Cabinet is also the only organ provided by our system for co-ordinating the work of the Departments, and for preventing friction, overlapping, and waste. This is a vitally important task. We shall see that it cannot be performed by a small body of men upon whom other tasks of equal importance are imposed. Nevertheless the Cabinet refuses to allow any other body to interfere in it, even the House of Commons; and when it commands a majority it is able to repel every 'invasion of Cabinet responsibility.'

3. The Cabinet is responsible for all legislation, and for the detailed preparation of practically all legislative proposals submitted to Parliament. Since as many as forty or fifty Bills, and many hundreds of Orders having the force of law, are annually submitted to Parliament, and since the time available in Parliament is never sufficient for the full discussion of these proposals, it will be seen that the Cabinet assumes, in this sphere, a responsibility enormously greater than could be met by a handful of men, even if they were able to give the whole of their time to this branch of their work. But whenever it has a majority, the Cabinet is able to ensure that nearly all the legislation for which it assumes responsibility shall pass into law substantially in the form in which it is introduced.

4. The Cabinet is responsible for the whole expenditure of the State, for seeing that none of this expenditure is wasted, and for proposing and collecting

the taxes by which the needful money is raised. It might seem that the detailed examination of an annual outlay of £800,000,000 might be beyond the compass of a handful of men loaded with other responsibilities. But the Cabinet resents any interference with its performance of this function, and crushes it by the use of its majority, whenever it has one.

5. The Cabinet is responsible for all appointments to great offices of State, at home and abroad; and in this sphere Parliament has practically no right to interfere. If it does challenge any appointment, the criticism can almost always be crushed by the votes of the pledged majority.

6. The Cabinet decides, within fairly wide limits, what business shall be submitted to Parliament, and how much time shall be allotted to it. If (as is often the case) the time allowed is insufficient for adequate discussion, there is no means of resistance, so long as the Cabinet has a majority. In short, the Cabinet decides what opportunities shall be given for the discussion of the way in which its gigantic responsibilities are met.

A body which wields such powers as these may fairly be described as 'omnipotent' in theory, however incapable it may be of using its omnipotence. Its position, whenever it commands a majority, is a dictatorship only qualified by publicity. This dictatorship is far more absolute than it was two generations ago.

The growth of Cabinet dictatorship—along with the growth of bureaucracy, with which it is closely linked—has, indeed, been one of the most striking features of British constitutional development during the last two generations. It has been mainly due to the increasing elaboration of party discipline and party organisation, which, in its turn, has been necessitated by the successive enlargements of the franchise. We

shall discuss this remarkable development in the next chapter, which will deal with political parties and the party system. In the meanwhile, we are concerned, not with the process, but with its results. And the plain fact is, that the inordinate growth of the power of the Cabinet has profoundly changed the British system from what it was when Mill and Bagehot described it in the middle of the nineteenth century. It has, to a remarkable extent, diminished the power and prestige of Parliament; robbed its proceedings of significance; made it appear that Parliament exists mainly for the purpose of maintaining, or of somewhat ineffectually criticising, an all-but-omnipotent Cabinet; and transferred the main discussion of political issues from Parliament to the platform and the Press.

We shall have later opportunities of considering whether this is a healthy development or not, and whether (or how) it can be checked. For the moment it is enough to observe that an omnipotent Cabinet, with the immense but concealed power of bureaucracy sheltering behind it, is the dominating fact of the British system of government as it exists to-day.

It is worth noting, as a characteristic British anomaly, that the real controlling factors of our system are not recognised by the law. Neither the Prime Minister, nor the Cabinet, nor the bureaucracy is known to the law. In the eyes of the law, the Prime Minister is merely the First Lord of the Treasury—one of a number of Ministers who are at the head of various departments of government and advise the King as to the use of his powers. In the eyes of the law, the Cabinet is merely an informal and unofficial conclave of a number of Ministers, and its decisions have no force, except in so far as its individual members, *qua* Ministers, can put them into effect, until in some cases they have been formally endorsed by the Privy Council,

which is little more than an antiquarian survival, or in other cases have been embodied in Acts of Parliament. In the eyes of the law, the bureaucracy is merely a staff of clerks under the orders of the various Ministers. Thus do changing convention and usage transform the working of our system. Let us not forget that this incessant process of change did not stop in the middle of the nineteenth century, but is still going on. It can be controlled and directed; but only if we understand it.

III. *How Cabinet Business is Transacted*

It is evident that the powers and responsibilities of the Prime Minister and his Cabinet are of staggering magnitude. They are, in fact, so gigantic that they cannot be fulfilled; and some of the most important among them are perforce neglected.

It is difficult to speak with certainty of the way in which Cabinet business is transacted, because it is carried on under the seal of absolute secrecy, every member being bound by the most solemn obligation not to reveal anything that takes place. The reason for this is that the Cabinet must act as a unity, and differences of opinion must not be revealed. This secrecy has been carried so far that, until 1917, no note of the proceedings was made, and the only record of the decisions reached was such summary as the Prime Minister might choose to make, for his own guidance or the information of the King.[1] This strangely unbusinesslike procedure was a reminder of the fact that the Cabinet began as an informal conclave of Ministers, who took counsel together in secret in order to ensure that they should present a united front to the King. They take counsel in secret now in order that they may present a united front to Parliament and the democracy. In 1917 Mr. Lloyd George,

[1] For early practice in this matter see Parker's *Peel*, iii. 466–9.

with characteristic irreverence, broke away from the practice of two centuries, and appointed a permanent Secretary to the Cabinet, who keeps a record of its decisions.[1] There was an outcry at the time among constitutional purists, but the innovation has survived, and does not seem to have done any serious harm. Since then the practice seems to have grown up of communicating to the Press a brief, colourless statement regarding each Cabinet meeting, with sometimes a note of the subject principally discussed. The biographies and reminiscences of deceased statesmen, together with the gossip of their living survivors, enable us to form some idea of the way in which this august body conducts its momentous deliberations.

Meetings are held with great frequency, usually once a week; but extra meetings may be held at any time of the day or night, often on extremely short notice; they may be held once or even twice or thrice a day at times of crisis; and they will sometimes last for several hours. Great masses of papers, bearing on the subjects to be discussed, are circulated beforehand: many Ministers appear to find it impossible to give more than a cursory glance to most of these documents, and accordingly take their part in decisions without knowing very clearly what they are about. This is not surprising when it is remembered that, besides sitting for hours in the Cabinet, they have to control all the business of their Departments, and attend in their places in Parliament, and make speeches at luncheons and dinners and learned societies and public meetings, and attend receptions, and generally take their part in the giddy social round.

As in all Committees, the efficiency with which business is done depends largely upon the Chairman, who is, of course, the Prime Minister. Some Prime

[1] His salary now appears in the Estimates. This is the only legal recognition of the existence of the Cabinet.

Ministers are only interested in certain subjects, and like to do the talking themselves; others are good-natured and lazy-minded, and let things drift. Some are what is called 'good Chairmen,' and can rattle business through before it has been thoroughly ventilated; others are 'bad Chairmen' and allow discussion to drag on so long upon one subject that other subjects cannot be discussed at all. As in all Committees, some members are loquacious and overbearing; they succeed in underlining the importance of their own activities, and in dragooning their resentful colleagues: others are silent by temper or design, and therefore succeed in keeping the business of their Departments to themselves and their officials. Finally, as in other cumbrously large committees (for a body of twenty-one is too big for the easy transaction of business), much of the business will in practice be settled privately by a few of the principal members. Thus grows up what is called an 'Inner Cabinet,' about which there has been a good deal of talk in recent years. This may mean that important matters may be decided without reference to the point of view of some Departments which will be affected, because their representatives are not important enough to be admitted to the inner ring.

It is clear that, out of the enormous mass of business which comes, or ought to come, before this group of preoccupied and over-busy men, only those matters that are of immediate urgency are likely to be seriously discussed. Pressing questions are continually arising, and must be disposed of. A stoppage in the coal industry is threatened, and plans for averting it have to be discussed. A big Bill is to be introduced in fulfilment of a party pledge, and the draft has to be gone through. Relations with a foreign Power have suddenly become strained, or some important proposal is about to be raised in the League of Nations, upon

which the Cabinet must take a definite line. Some group within the party is disappointed with the action of the Cabinet on some question or another, and means of pacifying them have to be discovered. One or more of the Departments have refused to cut down their estimates as much as the Treasury requires, and the matter must be thrashed out in Cabinet. Trouble has suddenly arisen in Egypt, or in India, and it has to be decided promptly what is to be done about it. The Chancellor of the Exchequer submits his Budget for discussion. The Minister for Air has a new building programme, involving increased expenditure. The Opposition has put down an awkward motion or amendment, and it has to be decided how it shall be met. Such questions, of an infinite diversity, many of which might well require weeks of deliberation, are constantly arising; and they have to be decided in the intervals of attendance at Parliament and the work of 'controlling' Departments about which their Ministers know very little. Not much time is left for the discussion of wider questions, for looking far ahead, or for laying down with wisdom the course of national development.

It is very necessary that we should keep in mind the circumstances in which (as things now are) Cabinet business is conducted; for only if we do so shall we understand why the theoretical ideal of Cabinet government is so incompletely attained. An assembly of archangels could not reasonably be expected to perform satisfactorily all the work that falls to the Cabinet; and the majority of the members of any Cabinet are very ordinary men, though they sometimes make themselves positively dangerous by persuading themselves that they are extraordinary men. The truth is that, having drawn to itself supremacy and assumed responsibility in every sphere of government, the Cabinet is weighed down by the very magnitude of its

own tasks, some of which—especially those of criticism and control over the whole machinery of government, which have been stolen from Parliament—go by default, and are not performed at all. It is in the light of this situation that we must consider which of the immensely important functions of the Cabinet, already enumerated, are ill performed, and which of them are not performed at all. Having done this, we can inquire whether any means of amendment are within sight.

IV. *The Neglected Work of the Cabinet*

An organ of government which has arrogated to itself, as the Cabinet has done, supreme control over every aspect of the work of government, and which has subordinated to itself every other organ, most notably the Royal Prerogative and Parliament, ought not to be content merely to settle each current problem as it arises. There are other and wider functions which it ought to perform; they are not less important, but in the long run more important to the well-being of the nation, than the decision of immediate problems. It may be said that it is impossible for a body of men, already overloaded with work, to undertake these larger functions. If that is true—and beyond question it *is* true—then it would seem to follow that the Cabinet has assumed greater responsibilities than it is capable of fulfilling, and that we must strive to think out means by which it may be relieved of part of its burden.

The first broad function which must somehow be performed if our system is to be made efficient and adapted to the needs of an age of rapid change, is that there should be effective means of surveying and controlling the whole vast mechanism of administration, and of checking and regulating the work of the Permanent Civil Service. This function at present falls to the political heads of the various Departments; but we have seen how difficult, if not impossible, it is

for men who have often had no direct experience of the kind of work that they are supposed to control, and who are in any case distracted by a multitude of calls upon their time, to undertake so large a task. In our system, as it now works, there is no other authority which can undertake it except the Cabinet—which consists of just these overburdened men. The Cabinet does not, and cannot, undertake the task. There is, indeed, in every Parliament a fund of knowledge and experience which might be usefully employed in this work; and the duty of examining and passing the Estimates of the various Departments would, if rightly utilised, present an opportunity for undertaking it. There are other ways also (which we shall examine later) of submitting the work of the Departments to useful and informed criticism. But whenever any proposal is made to bring these methods of control and criticism into play, it is invariably met by the shocked assertion that this would involve the undermining of Cabinet responsibility—the undermining of a responsibility which neither is nor can be fulfilled! The defenders of Cabinet responsibility refuse to realise that there is a distinction between the responsibility for general policy, which rightly belongs to the Cabinet, and the responsibility for the detailed working of the mechanism of administration, which cannot possibly be made real when it is assumed by a body so overburdened as the Cabinet. It would seem that the Cabinet itself, supported by those who are horrified by any criticism of things as they are, is so jealous of its power that it resents, and will use its overwhelming power to forbid, any attempt to get performed by other means the functions which it perforce neglects. We shall, in a later chapter, indicate some means by which this grave defect in our system might possibly be remedied, without any invasion of the proper responsibility of the Cabinet.

The second function, which is of even greater importance, is that of co-ordinating the work of the various Departments, and overcoming the vice of Departmentalism, which, as we have seen, is apt to spring from bureaucracy. Once more, the Cabinet is the only organ provided by our system for the performance of this necessary function. To some extent, it may be said, the need is met by the mere presence in the Cabinet of the political heads of the various Departments, and by their participation in all discussions of policy. But this is not enough. Departmentalism is so strong that it commonly conquers the Ministers themselves; and the rush and hurry of the work to be done from day to day in the Cabinet make it impossible for continuous and systematic attention to be paid to this need.

The importance of this function of co-ordination is so great that we must analyse some of the spheres in which it is required.

Take first the problem of military organisation and defence. The defence of the Kingdom and the Empire is a single problem, which affects every member of the Empire as much as the mother country, though the main responsibility remains upon her shoulders. This work is divided between three independent and often mutually jealous Departments, the Admiralty, the War Office, and the Air Ministry. The world-situation is always changing. The relative importance of the various arms is constantly altering. Clearly it must be one of the primary necessities of efficient government, and a condition of sound economy, that there should be some authority whose business it is to co-ordinate the work of the three arms, and to think out and impose upon them all a common plan, having in view always the needs of every part of the Empire and the contributions which each part may be able or willing to make.

This need has long been so patent that a co-ordinating body known as the Committee of Imperial Defence was brought into existence by Lord Balfour a quarter of a century ago. Its chairman is the Prime Minister, and it includes not only the political chiefs of the war departments, together with their leading experts, but also representatives of other Departments concerned, notably the Foreign Office. Beyond question, the institution of this body has been a valuable contribution to the efficiency of our system of defence. But the Committee of Imperial Defence is only an advisory body. It has no executive power, because its endowment with any definite authority would 'undermine Cabinet responsibility.' In the Cabinet itself, apart from the Prime Minister, there is no one whose business it is to speak for a single defence policy; but there are three members who commonly make it their business to stand up for the claims of their own Departments, and they are apt to regard one another with some jealousy, especially when the time comes for dealing with the Estimates; though, on occasion, they will all combine against the Chancellor of the Exchequer. Thus, even in the sphere in which most has been done to bring about effective co-ordination, the need has not yet been adequately met.[1] And because it has not been met, the time of the Cabinet, already so fully occupied, must often be wasted by wrangles between the three rival Departments.

Take another case. We are passing through a far-reaching industrial transformation, comparable with the Industrial Revolution of a century ago in its effects upon the livelihood and happiness of the

[1] In a speech in Parliament (Dec. 1929) Mr. Lloyd George—speaking from an unrivalled experience—suggested that inter-departmental friction had been one of the main causes of the failure of the Dardanelles campaign in 1916. If that be so, it was responsible for prolonging the war for two years and for something like three-quarters of the burden of debt which weighs down the nation.

people. In many fields of industry vast new organisations—trusts, combines or cartels—are coming into being: they will doubtless bring increased efficiency and economy, but they also involve a serious dislocation of labour, and they wield so much power, and handle such immense volumes of capital, that they may be dangerous if not wisely regulated. The State is responsible for the laws under which these vast concerns are organised, and for the conditions under which small investors are encouraged to trust their savings to these giants. Again, new methods of transport are coming into being, which are revolutionising the conditions of industrial life, and bringing about a redistribution of population: these new methods of transport largely utilise the roads, for which the State (in conjunction with the local authorities) is responsible; they are causing a serious dislocation in the railways, which employ myriads of men, and the State has long exercised a high degree of supervisory power over the railways. Again, new forms of power, especially electric power, are displacing the old: the State has assumed a controlling authority over the development of electric power; it alone can ensure a proper utilisation of our very insufficient water-power; and it has perforce been driven to accept a large degree of responsibility for the suffering and disorganised coal industry. Again, in a degree unparalleled by any other nation in history, we depend upon export trade, and upon the condition of world-markets, for the livelihood of our people; the markets of the world have been disorganised by the war and other causes; our great export trades are suffering grave distress, and this (combined with the labour-saving devices of modern industry) has compelled us to face an unexampled problem of unemployment. The State is responsible for the tariff system whereby the course of foreign trade is substantially affected, and for the negotiations

with other States whereby, in the new era, the possibilities of international action in the economic sphere have been opened out; it has accepted some responsibility, at any rate, for helping industries in distress; it has assumed responsibility for maintaining the unemployed and created the machinery for putting them in touch with work; it largely controls those activities, such as road-making, house-building, afforestation, and, in general, constructive utility works, which are not dependent upon the condition of world-markets, and which can therefore be pressed on when trade is bad, and slowed down when trade is good. Finally, alongside of the great development of large-scale production, there has been an equally marked development of labour organisation, for the purpose of demanding better conditions; and this may lead, and has led, to disastrous and costly friction. The State has defined the conditions under which these organisations may work; it has undertaken substantial powers of wage-regulation and it has created elaborate machinery of conciliation and negotiation.

In short, during the last two generations the State has undertaken a wide range of regulative (not productive) activities, extending over the greater part of the field of industry; and, equipped with these powers, it is in a position to guide and assist the community through the industrial transition, in a way that was not possible to our ancestors when the unpredictable upheaval of the Industrial Revolution shook the ground beneath their feet. But these functions of regulation, created piecemeal and almost haphazard, are distributed among a number of Departments, each more or less affected by the vice of Departmentalism—the Board of Trade, the Ministry of Labour, the Ministry of Transport, the Ministry of Mines, the Ministry of Agriculture, the Electricity Commission, the Development Commission, the Forestry Com-

mission, and (last but very far from least) the Treasury. Apart from the Cabinet, there is no co-ordinating authority to bring all these activities together, and make them all contribute to a well-devised national policy in the industrial sphere. Can the Cabinet, with all its preoccupations, meet the need? Obviously it cannot. Yet the need is beginning to be felt. When the Labour Government of 1929 resolved to tackle the problem of unemployment, it felt that it could not leave this problem to any one Department, because it affected many Departments. So it entrusted the work to—the Lord Privy Seal, with the co-operation of the First Commissioner of Works and the Chancellor of the Duchy of Lancaster: three holders of practically nominal offices, not one of whom has any direct contact with any of the great Departments concerned. Plainly something more practical and businesslike than this makeshift arrangement is needed if the influence of the State in the industrial sphere is to be intelligently used and its various activities are to be effectually co-ordinated. The need is glaring; the Cabinet, as it is now organised, cannot meet it.

It would be possible to continue almost indefinitely the illustrations of the need for a more effective co-ordination of the Departments of government. Another illustration might be drawn from the social services which the State has organised for its citizens; these are mainly administered through the local authorities, which have been brought under an increasingly close control by the central administration. But this control is wielded by different Departments, notably the Ministry of Health and the Board of Education: at many points their jurisdictions conflict with one another and with the activities of the Ministry of Labour. Apart from the overburdened Cabinet, there is no effective machinery in existence for co-ordinating this work.

Again there are many difficult problems of imperial policy—problems of imperial migration and imperial trade; problems affecting the rights and claims of the various races included within the Empire, some of which resent the treatment given to them by the Governments of others, as the Indians resent their treatment in Kenya or in South Africa; finally, problems affecting the treatment of backward peoples, some of whom are under the control of the self-governing Dominions, while others are under the control of the mother country. Imperial questions are divided between the India Office and the two distinctly organised branches of the Colonial Office; and, except as between the last two, there is no machinery for the co-ordination of policy other than the Cabinet—no authority responsible for shaping our imperial policy as a whole, or for thinking out the best means of improving and developing the partnership of diverse peoples which we call the Empire.

Other instances might be given; but enough has perhaps been said to show the profound importance of the task of co-ordination, and the incapacity of the Cabinet, as it is now organised, to deal with it adequately. Once again, in monopolising all power, the Cabinet has loaded itself with more work than it can do; and, like all despots, it is apt to be jealous of any attempt to reduce its power.

The effective control of the administrative machine and the adequate co-ordination of its Departments are, of course, primarily administrative questions. But it must not be forgotten that the Cabinet has also assumed entire control of all legislation. Every Bill of importance which is laid before Parliament comes with its imprimatur, and has been presumably fully considered by it before it is produced; even in the very rare instances in which a Private Member's Bill is allowed to go beyond its early stages, it must first

have been discussed and approved by the Cabinet. As the opportunities for discussion in the House of Commons are certain to be greatly cut down by the closure, and as, on all controverted points, the Bill will be forced through by the application of the party majority (where this exists), the responsibility of the Cabinet for legislation is all but absolute.

It is, no doubt, right that the initiative in legislation should fall to those who know best, by administrative experience, both what changes are needed and how they can best be accomplished. But this means that the main responsibility, in a majority of cases, lies with the Department concerned, and very largely with the officials. Hence it is of the highest importance that the legislative proposals which emanate from the Departments should be very thoroughly canvassed. It is obvious that a group of overburdened men such as the members of a Cabinet, who can only give the time required by neglecting the work of their own Departments, is a singularly ineffective body to do more than give a rough preliminary consideration to the proposals, and an endorsement of their general principles: it ought to be content that the real discussions should come later, in Parliament, which is its proper place; and it ought to be prepared, in the great majority of cases, to accept the judgment of Parliament instead of applying its brute majority. It is too jealous of its own dictatorship willingly to do this; and unfortunately (as we shall see in a later chapter) the cumbrous procedure of Parliament, and the superabundance of business which is thrust upon it, provide a valid excuse for the wholesale use of the closure and for the ruthless use of the majority.

Legislative work will not be well done until the present predominant control of the Cabinet is diminished; until the House of Commons regains some of its freedom and some of its power; until its

procedure is drastically revised, and it is relieved of much of the work which it now has to scramble through; and until the Second or revising Chamber is made efficient for the work which properly falls to it.

If legislation in the strict sense—Bills which go through the regular procedure—is insufficiently considered, this is still more the case with what we have called 'subordinate legislation,' which is issued by the Departments under the terms of general Acts. It is improbable that legislation of this character is ever considered by the Cabinet at all. It is certain that it is practically never considered by Parliament. It is only in a minority of cases that it even 'lies on the table' for a prescribed period, and even in these cases it is only discussed if it is formally challenged. The opportunities for studying it and for challenging it are wholly inadequate; and in effect this kind of legislation goes into currency on the sole authority of the Department concerned. If it is, by any chance, challenged, the probability is that it will be forced through by the application of the mechanical majority, whenever the Cabinet commands such a majority. It is highly important that this class of legislation should be thoroughly discussed; and we shall consider in a later chapter how this can be done. For the moment, it is enough to observe that the extension of Cabinet dictatorship to the sphere of legislation has not been very satisfactory.

It has been no more satisfactory in the sphere of finance. There can be few tasks of government of greater importance than that of keeping a strict control over expenditure, and a continuous review of the methods and effects of taxation. The Cabinet is the supreme financial, as it is the supreme administrative and legislative, organ. It makes its own proposals for outlay and its own plans for raising the needful money, with the guidance of the officials; then it forces both

through the House of Commons, by means of its majority, whenever it has a majority. But it makes no attempt—it has no time to make any attempt—to review in detail the finances of the various Departments. It does not even try to procure that the national accounts shall be presented in such a form as to be intelligible to its own members, not to speak of the members of Parliament. These accounts are now set forth in such a form that they are only intelligible to Treasury experts, and they give no clear view of the real financial position of the State.[1] Nor does it encourage, or even permit, Parliament to attempt the task which it is itself unable to perform: when any proposal is put forward which might ensure a more thorough parliamentary investigation of finance, it is at once met with the parrot cry about the danger of 'undermining Cabinet responsibility.'

In short, the Cabinet has arrogated to itself, half blindly, a series of colossal responsibilities which it cannot meet, which it will not allow Parliament to tackle, and which are not met at all except in so far as they are assumed by the bureaucracy behind the cloak of Cabinet omnipotence. These responsibilities are never brought home to it. Nobody ever arraigns the Cabinet, either in Parliament, on the platform, or in the Press, because it is failing to control the administrative machine, or because it is failing to co-ordinate the work of the various Departments of State, or because it is failing to ensure the adequate discussion of legislation, or because it is failing to maintain a sufficiently searching scrutiny of the national finances in detail. No Ministry has ever been overthrown on any of these grounds, because they are not a legitimate ground of party attack, all parties alike having used the same methods, and all alike being anxious to maintain for their own enjoyment the unqualified dictatorship

[1] This subject is more fully discussed below, pp. 223–5.

which the Cabinet wields. It is a mere myth that the Cabinet is in any strict sense responsible to Parliament for the performance of these functions, because Parliament, equally with the Cabinet itself, seems to be unaware that these functions need to be performed. In any case, the responsibility of the Cabinet to Parliament for anything at all is unreal so long as it is supported by a pledged and docile majority.

V. *The Need for Reform*

What has been written in the foregoing section is not meant as a condemnation of the Cabinet system as such, or of the choice of the members of a Cabinet wholly from a single party, or of the combination of administrative and legislative functions in the same body. On the contrary, we believe that such a body as the Cabinet—a small and intimate group of men closely in touch with each of the main Departments of government—is the best, perhaps the only, means of directing national policy in a representative system; we believe (and have argued) that such a Cabinet will do its work best if all its members share a common outlook and have the habit of acting together, and that this will be best secured if they are members of the same party; and we believe, finally, in contradiction to the theories of Montesquieu and the practice of the American Constitution, that administration and legislation cannot be healthily separated, and that the initiative in legislation—while doubtless inspired by the ideals of a party—comes best from those who are in contact with administration, so that they know what is needed and can work out practical methods of supplying it.

With the main features of the Cabinet system, therefore, we have no quarrel. But we think that the system is failing to produce the best results, for three

main reasons: first, because the Cabinet has assumed too great a monopoly of power in extending its responsibility to cover, not merely the general guidance of national policy, but every detail of administration and legislation, thus assuming functions which it cannot possibly fulfil; secondly, because in reducing Parliament to complete subjection, and in failing to utilise the resources of Parliament more fully for the work of criticism, it has atrophied that "control on behalf of the nation" which is needed not only for freedom, but also for health and efficiency; and, thirdly, because, for the essential work which it has to do, it is ill-organised, and needs to be reconstructed.

We shall discuss in later chapters whether and how "the control on behalf of the nation" can be made more effective. But it is necessary to examine more closely here the structure and working of the Cabinet, and the possibility of improving it.

There would appear to be two main factors which tend to weaken the Cabinet and to make its deliberations ineffective. One is the fact that most of its members are apt to be so much engrossed in departmental details —especially if they take their departmental work seriously—as to have neither time nor attention for the wider issues of policy, or for the vital work of co-ordinating the various Departments of government. The members of such a body as the Cabinet, while in real touch with the work of their Departments, ought to be, so far as possible, freed from the burden of detail and routine. They ought to recognise that they cannot possibly know or control all the details of a great Department; and they should therefore be content to deal only with the broad issues of policy, leaving the regulation of details, whether in administration or in legislation, in part to their political subordinates, and in part to other methods of control.

The other cause of weakness is that the Cabinet is

too large. Sir Robert Peel, who probably understood the Cabinet system more thoroughly, and worked it better, than any other Prime Minister of the nineteenth century, used to say that the ideal size for a Cabinet was ten or twelve, because this number of men could sit round a table, and all take an effective part in deliberation. His own very efficient Cabinet of 1841–1846 had thirteen members. A Cabinet of twenty-one or twenty-two begins to approximate to a public meeting. The reason why the Cabinet has grown to this unwieldy size is, of course, that the expansion of the functions of government has led to the creation of many new Departments which cannot be omitted from the scope of the central organ of government: as it is, the Ministries of Transport, Mines and Pensions are omitted, and in theory they ought not to be. The ideal Cabinet, then, should be small enough to make intimate discussion possible, and large enough to include within its range of contact every Department of government. Is it possible to satisfy these apparently conflicting requirements?

VI. *Suggestions for Reform*

At the end of the war, when the air was full of 'reconstruction,' a Committee on the Machinery of Government was set up, under the Chairmanship of Lord Haldane. Recognising that the composition of the Cabinet had been fixed by tradition, and that it was cumbrous and incoherent, they asked themselves what were the essential sections or departments of the work of government, and proceeded to suggest a reconstitution of the Cabinet on this basis. We may perhaps venture to follow their example.

(1) The first essential member of any Cabinet is of course the Prime Minister, who nominates it and presides over it, and who is, in virtue of this position,

the working head of the State. As a rule he does not, and he never ought to, hold any departmental post, but should be equally concerned in every Department. He holds, indeed, by tradition, the office of First Lord of the Treasury; but this is purely titular, and ought not to mean that he is in any special way associated with the Treasury.

(2) The first of the great Departments of government is finance, which is the tap-root of good government. The Treasury, as the finance office, exercises a sort of supervision over all the other Departments, and the permanent head of the Treasury is recognised as the head of the whole Civil Service. For the same reason, the Chancellor of the Exchequer (which is our traditional name for the Finance Minister) ranks next to the Prime Minister, and is usually regarded as second-in-command in the Cabinet. Except when his Budget is in incubation—and its presentation is the greatest event of the parliamentary year—he is, in comparison with other Ministers, relatively free from official routine: all the more so since his subordinate, the Financial Secretary to the Treasury (who is always regarded as the most important Minister outside of the Cabinet) is at hand to relieve him. Hence the Chancellor of the Exchequer can, and ought to, keep himself comparatively free for the discussion of broad issues of policy.

(3) The conduct of foreign relations is the next great Department. It is perhaps the most exacting of all the Departments, and the one in which the personality of the Minister counts for most. But the Secretary of State for Foreign Affairs is scarcely ever called upon to take any part in legislative work, nor is Parliament very exacting in its demands upon his time. Hence he is free to play his indispensable part in the deliberations of the Cabinet, which is constantly occupied with the work of his Department.

(4) The next great section of the work of government is Imperial Relations. This is at present divided between two offices, the India Office and the Colonial Office, of which the latter is divided into two distinct sections, for the self-governing Dominions, and for the dependent colonies, protectorates and mandated territories, respectively. But there are many problems which affect the whole Empire. Why should there not be a single Minister for Imperial Affairs, who would be a member of the Cabinet, while each of the three Departments would be under a subordinate Minister, not in the Cabinet? The subordinate Ministers could deal with the details of their Departments, and answer questions relating to them in Parliament, leaving the Imperial Minister to deal with wider issues. There might be a council, or a sort of sub-Cabinet, including all the four Ministers, with, possibly, their chief permanent officials, and perhaps, on occasion, representatives of India, the Dominions and the Colonies. Thus the various Departments would be effectively co-ordinated; problems could then be discussed, not merely from a narrowly departmental, but from a broadly imperial point of view; and recommendations would come up to the Cabinet on such questions as (say) the organisation of the East African colonies after they had been thoroughly discussed in a wider perspective than is now possible.

(5) Next comes the function of Defence, now divided between three Departments, the Admiralty, the War Office and the Air Ministry; the Ministry of Pensions, which is excluded from the Cabinet, might well come into the same group. This function should be treated in the same way as the last: there would be one Minister of Defence, of Cabinet rank; while subordinate Ministers would deal with the administrative work of each of the four Departments, and a joint Council or sub-Cabinet would consider the defence problem as a

whole, and submit considered proposals to the Cabinet; possibly the existing Committee of Imperial Defence, with the Minister of Defence replacing the Prime Minister in the chair, might perform the functions of a common deliberative body for the four Departments. In this way the co-ordination of the defence services would be effectively achieved, without the drastic measure of merging three great offices in a single huge Department of Defence; and the Minister of Defence would be disembarrassed of departmental detail, while having direct contact with all the Departments under his control; he would be free to devote himself to questions of broad principle and policy; he would be able, for example, if the Cabinet decided that the total outlay on defence should be kept within a certain figure, to apportion the sum available.

(6) Turning now to the regulation of home affairs, the first important Department will be that of Justice and Police. This includes the greater part of the work of the Home Office, which, however, also performs certain functions (such as the administration of the Factory Acts) that ought to be transferred to the Departments which deal with Industry. The phrase 'Justice and Police' also covers the functions of the Lord Chancellor, who has invariably been a member of the Cabinet. But is there any reason why he should continue to be so? There seem to be very strong reasons why he should not. His appointment as a party man to a place in a party Government is in violent conflict with the principle that the judges should stand aloof from politics, and his insecure tenure is a violation of the rule that, in order to secure their independence and impartiality, judges should be irremovable. He is the head of the judiciary; he nominates the High Court judges and appoints the County Court judges and the Justices of the Peace; he is *ex officio* Speaker of the House of Lords. All these are

strong reasons why he should *not* be a member of the Cabinet. Judges ought not to be appointed on the ground of party services. Perhaps a new method of appointing them would have to be found if the Lord Chancellor disappeared from the Cabinet. In that event, the function should assuredly not be transferred to the Minister of Justice or Home Secretary, because this would ensure the predominance of political influence. Possibly the Lord Chancellor with the Lord Chief Justice and the Master of the Rolls might become a nominating committee, submitting names to the Prime Minister.

(7) The Scottish Office fills a distinct place by itself, overlapping some of the other offices. This is not a logical arrangement, but it is necessary, in view both of Scottish national sentiment and of the different conditions which in many respects exist in Scotland. If a scheme of devolution, such as we shall discuss later (Chap. VII), were to be adopted, the Secretary for Scotland would disappear from the Cabinet.

(8) Next comes the group of Departments which are concerned with Industry and Commerce. With the exception of the Board of Trade, they are all of very recent origin; and, as we have seen, there is no sphere in which co-ordination is more needed. These Departments include the Board of Trade, the Ministry of Labour, the Ministry of Transport, the Ministry of Mines and the Department of Overseas Trade. A Minister of Cabinet rank, to be called the Minister of Industry and Commerce, with subordinate Ministers for each of these Departments, and a council or sub-Cabinet which would take into review the whole of the activities of the Government in this sphere, and prepare proposals for submission to the Cabinet, could render very great service, and do away with much confusion. With him might well be associated an Economic

General Staff, such as was proposed in *Britain's Industrial Future*, to think out in advance the problems of British Industry.

(9) Agriculture, Fisheries, Forestry, and the regulation of our national water resources, might perhaps be linked with the previous group, and they would certainly come within the purview of an Economic General Staff. But the industrial group is big enough in itself; and the land-group assuredly deserves separate organisation, especially in view of the sad decline of British agriculture, and the urgent need for an intelligent policy for its encouragement and revival.

(10) There remain the Social Services, which are almost wholly administered by the local authorities, together with the relations between central and local government. These important subjects are at present dealt with by the Ministry of Health and the Board of Education. Each of them is of so great importance that it might well claim a Minister of Cabinet rank for itself. But there is great need of co-ordination in this sphere; and there would be much gain in bringing under the eye of a single Minister every aspect of the 'condition of the people question.' A Minister of Social Services, with subordinate Ministers in charge of Health, Education, and possibly other Departments, and a council or sub-cabinet whose reference would be 'the condition of the people,' would have a sphere of work sufficiently great to attract the most eminent.

We have set forth above the natural divisions of the whole wide field of government. They cover the ground. There is nothing left out. And they leave us with a Supreme Cabinet of ten members, including the Prime Minister; together with a series of sub-cabinets for large sections of the work of government, whose activity would largely free the Cabinet from much

detailed work which at present clogs its wheels, while all their work would be completely subject to its sovereign authority.

It will be noted that a number of familiar offices are absent from this list. The Postmaster-General does not appear. His work is not 'government,' but the conduct of a colossal business concern, which is best kept aloof from 'politics.' The First Commissioner of Works is absent. His work has nothing to do with national policy. The Lord President of the Council, the Lord Privy Seal, and the Chancellor of the Duchy of Lancaster do not fill their accustomed places in Cabinet lists. These are nominal offices, useful as a means of giving positions in the Cabinet to wise counsellors who for one reason or another cannot assume departmental responsibilities. One or two of them might very well be preserved for this purpose, bringing up the number of the Cabinet to a round dozen.

This scheme, which is largely based upon the report of the Haldane Committee on the Machinery of Government, provides a well-articulated framework for the supreme direction of national affairs. It reduces the Cabinet to a size which would make intimate discussion possible, and relieve its members from the distracting pressure of departmental routine, while at the same time it brings the whole governmental system, more completely than now, under the review of the Cabinet. It ensures, in the suggested series of sub-cabinets or inter-departmental group-councils, the effective co-ordination of related Departments, and the full consideration both of administrative policy and of legislative proposals before they are submitted to the Cabinet. It draws a clear distinction between the responsibility for the supreme direction of policy which necessarily belongs to the Cabinet, and the detail of administrative methods and routine which ought not to be taken under the ægis of Cabinet responsibility.

In short, it offers a solution for some of the difficulties and defects of Cabinet government in its present form, which we have been surveying in this chapter: others of these difficulties can only be solved by a restoration of the power and prestige of Parliament, to which we shall turn in a later chapter.

CHAPTER IV

POLITICAL PARTIES AND THE 'PARTY SYSTEM'

I. *The Necessity of Parties*

THE course of our argument in the last chapter has made it clear that organised political parties are essential to the working of our system of government. It is the leadership of a *party* that gives to the Prime Minister his enormous power; it is common membership of a *party* that gives unity of character and aims to a Cabinet; it is the existence of an organised supporting *party* in the House of Commons that enables the Cabinet to carry on its work, and (when the party has a majority) endows it with a complete dictatorship over the whole range of government; and this dictatorship is only limited or qualified by the fear of those who wield it lest any grave blunder may weaken the *party* in the country, and bring downfall at the next election.

There are people who assert that party is an evil, and that things would go much better if there were no parties: they usually mean no more than that things would go much better if everybody agreed with them. It is both natural and inevitable that when great questions have to be decided by large bodies of men, those who think alike should act together, and subordinate their minor differences in order to co-operate effectively in support of the big things on which they agree. On no other terms can business be done in large bodies. If there were only one party in the House of Commons, there would be 615 parties in the House of Commons, and no business would ever get done at all: unless,

indeed, the autocracy of the leader of the one party was enforced, as in Italy, by severe penalties. Organised co-operation among those who broadly think alike is the essential condition of achievement; and organised co-operation is party. Wherever representative institutions have been established, political parties have always come into being, and have always become the controlling factors in the working of the system. In our own country they have had a continuous existence ever since Parliament became an important arena of discussion.

But both in our own and in other countries they have varied very widely in the elaboration of their organisation, and in the rigidity (or precision) with which their principles have been defined. Until comparatively recently, British political parties have not been very elaborately organised, nor have their principles been very precisely defined. During the last two generations there has been a great change in this respect towards greater elaboration and greater rigidity. And the effect of this change upon the working of our system has been as marked as the effect of the other great changes which we have already analysed—the growth of bureaucracy, and the increasing dictatorship of the Cabinet. Indeed, these three things are closely related. Rigid party organisation is the foundation of Cabinet dictatorship; and Cabinet dictatorship is the cloak behind which bureaucracy has thriven unobserved.

II. *The Freedom of the Old 'Two-party' System*

In the first half of the nineteenth century (to go back no farther) there were two political parties in Britain: those who were in favour of change and those who were against change. They called themselves at first by the old-fashioned and colourless names of Whigs and Tories, later by the more modern and descriptive titles

of Liberals and Conservatives. But there was no uniformity of opinion, and no rigid party discipline, on either side; and it was only for this reason that two parties sufficed to express the opinions of the electorate and their representatives.

Naturally there was most agreement among those who opposed change. But there were some among them who accepted Free Trade, and others who wanted to return to Protection; some who were in favour of Factory Acts, and others who held to the principles of *laisser-faire*; some who wanted to maintain the unity of the Empire in subjection to the British Crown and Parliament, and others who (like Disraeli) regarded the colonies as 'millstones round our necks.' Among those who wanted change there were, naturally, much wider variations of opinion. Whigs and Radicals disliked one another so much that they had to invent the name 'Liberal' as an umbrella to cover them both. The Radical Imperialists like Durham, Wakefield and Molesworth differed sharply from the Little Englanders like Sir Henry Parnell. The Cobdenites were at issue with the majority of the party, who supported Factory Acts and were not afraid of the bureaucratic activities of Chadwick. O'Connell and his Repealers (who always voted Liberal) could not find words bitter enough for the "base, bloody, and brutal Whigs."

Moreover, there was no rigid central party organisation on either side to subjugate these dissident elements, or to discourage their representation in Parliament. Candidates went down to their constituencies, preached their own doctrines, and paid their own expenses. If successful, they aligned themselves, according to their general sympathies, for or against 'change,' and gave general support to the Liberal or the Conservative leaders; but most of them would have refused to admit that they were 'pledged' either to support a Government through thick and thin or

always to vote against it. There was consequently a great deal of free voting and a great deal of cross-voting; and as Governments never had large majorities during that period, very much often depended upon a debate. In such circumstances the Cabinet could wield no dictatorship; it could not override Parliament or cut down discussion; it constantly had to accept the judgment of the House of Commons.

Two instances of the freedom of debate which existed in this period may be quoted. In 1844, on the Mines Act introduced by the Conservative Lord Ashley (for the private member had not yet been excluded from a share in legislation), Peel's Cabinet and the majority of their Conservative followers were supported by the Manchester Radicals in watering down the Bill, while Ashley had the support of the majority of the Liberals and of Disraeli's 'Young England' Tories. In 1850, in the famous Don Pacifico debate, Palmerston's foreign policy was attacked by a combination which included Disraeli and the official Conservatives, Gladstone and the Peelites, who generally supported the Liberal Government, and Cobden with the little group of Manchester Radicals. Palmerston won by a handsome majority which was drawn from all parts of the House.

Free voting on this scale (and many other instances might be quoted) is unknown to-day, and has been unknown for a long time, except when (as on the Prayer-book measure of 1927) the 'Whips are taken off' deliberately. All this means that the party system —and a two-party system at that—was in those days not incompatible with free debate and discussion; Parliament was still genuinely supreme, and Cabinet dictatorship had not yet arisen. And the significant thing is that this state of things did not make government impossible—despite the views of those who hold that 'stable government' cannot exist unless the

Cabinet commands a majority which will enable it to impose its own views upon the House of Commons. It was these conditions which Mill and Bagehot had in mind when they sang the praises of party government and parliamentary supremacy: party government and parliamentary supremacy were not, in their days, as they have since become, incompatible one with the other.

III. *The Growth of Rigid Party Organisation and its Causes*

What has been the cause of the change? Beyond doubt, the main cause has been the increasing elaboration of party organisation, and the increasing ſtrictness of party discipline: we have now reached a ſtage in which the mere fact that the members of a party sometimes vote in different lobbies is actually put forward as a reason why nobody should support them. But what has caused this growing elaboration and ſtrictness? Two factors have contributed to the process.

One was the emergence, as party leaders, juſt at the moment when the franchise was extended by the Second Reform Act (1867), of the two dominating and challenging figures of Gladſtone and Disraeli. Inſtead of voting for individual candidates on their merits, electors began to vote for candidates who could be truſted to support these popular idols through thick and thin. The enlarged electorate found it easieſt to fix its allegiance to a powerful personality; and the exploitation of personality has gone on increasingly, as the franchise has widened. When nobody of the ſtanding of Gladſtone or Disraeli was available, a subſtitute had to be manufactured. Poor Mr. Baldwin, an honeſt and kindly man, but not by any means a superman, has had to submit to a painful process of inflation, and to see

his gently quizzical head reproduced in gigantic posters on every hoarding in the land, over the inspiring motto 'Safety First'; he has had to permit his pipe and his pigs to be used as symbols. Mr. Ramsay MacDonald has had to subdue his aversion from publicity: he has had to let the Press know what he reads when he travels by aeroplane; when he goes upon his travels across the Atlantic he has to endure the society of a troop of journalists, who, whenever he takes a walk on deck, send the glad news home by wireless; he has to pose to the 'movies' and the 'talkies'—with whatever reluctance—as the weary Titan, bearing the cares of empire with a sad, brave smile. Even that shy recluse, Mr. Lloyd George, has had to see himself in garish colours on the hoardings, a colossal figure, pointing with one hand to the armies mobilised for war, and with the other to the army of the unemployed who might be mobilised for the works of peace. This orgy of personal advertisement has been imposed upon us by the publicity experts, those prophets and evangelists of our day. It is regarded as a necessary part of the machinery for creating the legend of the Great Leader. Every party has to have a Great Leader, whom every candidate of the party must be pledged to follow; he is, officially, almost divinely inspired, and is supposed to wield almost the powers of a dictator; his lightest word is held to bind his party. But this is a dangerous doctrine, not favourable to the exercise of free judgment by a representative body.

The main reason, however, for the development of more elaborate party organisation has been the mere fact of the increase in the size of the electorate. In each constituency the electors had to be helped or persuaded to put their names on the register; they had to be canvassed and brought to the poll; candidates had to be selected, and campaigns conducted, not only for parliamentary elections, but also for local elections

of various types; and not only during elections, but also in the intervals between them, the work of propaganda had to be carried on. All this demanded the services, wherever possible, of a whole-time salaried agent in each constituency. The work was costly, and became more costly as the number of electors was increased by successive franchise Acts. The number of candidates who were willing to defray the whole cost of this work out of their own pockets, besides paying the heavy expenses of the election, gradually decreased; the number of constituencies in which a party was able to pay the whole cost by voluntary subscriptions was never large. In any case, the constituencies had to be helped with 'literature' and speakers. Moreover, to keep the party together and strengthen its zeal, it came to seem desirable that an annual congress of delegates from the constituency associations should be held: when the congress met it had to do some business, and it took to passing resolutions about the policy of the party, which tended to give more exact definition to its doctrines.

All this necessitated a more and more elaborate central organisation; also it all cost money, and the central organisation had to collect larger and larger funds for these purposes. Since he who pays the piper calls the tune, the more money was supplied from the central organisation, the more control it obtained over the party as a whole. Discipline began to take the place of the laxity of the previous period. A member who was tempted to take a too independent line in Parliament learned to fear that the central organisation of his party might suggest to the local association that somebody else should be nominated in his place; and since, with the large new electorate, his hold over his constituents was far from being as close or personal as it had been in the days of small electorates, this would threaten the cessation of his political career. The

stronger the central organisation became, and the more money it had at its command, the more influence it was able to wield in this sort of way. Thus, because of the increased size of the electorate, both the doctrine and the discipline of the political parties became steadily more rigid. The more rigid party doctrine and party discipline became, the more the freedom of the House of Commons was impaired; and the more complete became the dictatorship of a Cabinet which could command the support of a well-organised and well-disciplined party. It helped this process that, with the coming of a democratic franchise, the small majorities and the balance of parties, which had marked the previous era and had ensured the supremacy of Parliament, were replaced by violent 'swings of the pendulum,' giving big majorities first to one side and then to the other.

This process took place gradually, and almost insensibly; and it must not be exaggerated. It is a tendency that has been, and is still, at work, rather than a completed process. An important stage in it came in 1877, when Joseph Chamberlain—anxious to organise popular support for the Radical wing of the Liberal party, whose prophet he was—inspired the foundation of the National Liberal Federation, which was the first national party organisation to be established in England; and put in, as its chief official, an extremely able organiser named Schnadhorst. There was a violent outcry, especially among Conservative critics, at this introduction of the 'party caucus' into British politics. It was contended that this must result in turning members of Parliament into mere delegates, instead of independent and trusted representatives. There was some substance in the criticism. But in fact efficient organisation of the great parties on a national scale was the inevitable result of the coming of democracy; it had come much earlier in America, because the demo-

cratic franchise came earlier in America. The Conservatives soon had to follow the Liberal lead, and set up a national organisation (the National Union of Conservative Associations); and although, in consonance with the spirit of their party, they never allowed to this delegate body as much power as its compeer often wielded, they carried the organisation of the Central Party Office and the Central Party Fund to a higher pitch of efficiency than their rivals, subsidising the agents in most constituencies and thus securing for their Central Office a strong hold over the effective machinery of the party in the constituencies.

Another stage in the process may perhaps be dated from 1891, when the National Liberal Federation set forth the famous Newcastle Programme. This was a long list of specific measures which the party pledged itself to place upon the Statute-book if given power. No such detailed programme had ever been issued before in the name of a political party. The result was that every Liberal candidate was assumed to be a supporter of all these proposals unless he definitely disavowed one or more of them; and if he attempted disavowal, he might get into trouble with his local supporters. Thus the independence of individual members was very substantially qualified. Since that time it has become the practice of every party to announce beforehand the proposals it intends to carry; and if it does anything not announced beforehand, it is apt to be taunted with not having 'a mandate' for what it does. The doctrine of 'mandates' is a novel one in British politics. It would have seemed to Burke, or to Bagehot, a most pestilent heresy. 'Programmes' and 'mandates' substantially tie the hands of members of Parliament, and bring them more effectively under the control of their parties.

But the most remarkable advance in the elaboration of party doctrine and discipline has been due to the

youngest of British political parties. The Labour party was not established until 1900. From the outset it was closely linked with the Trade Unions; and it borrowed from them much of the almost military severity of discipline which they have wrought out for the purpose of their industrial conflicts.' A Trade Unionist who breaks the rules of his Union, or disobeys the commands of its officials, may be drummed out of the Union, and thereby possibly deprived of the means of earning his livelihood; and in the same way, members of the Labour party, or whole branches of it, may be expelled for refusing to fall into line. The Labour party has gone so far as to lay it down that no candidate may be adopted by any branch, or constituency association, until he has been approved by the central organisation of the party, a degree of control which neither of the older parties has ever dreamed of attempting to exercise. In doctrine, as in discipline, the Labour party has attained a degree of rigidity far surpassing that of the older parties. Not content with defining a programme for immediate action, it has laid down in its formal constitution, adopted in 1918 and revised in 1929, a definition of its aims which binds every member. First among these aims is to bring about "the public ownership of the means of production and distribution"; this is defined as being the primary purpose for which the party exists. Consequently any man or woman who joins the Labour party while disbelieving in this dogma, or putting his own private interpretation upon it, is guilty of the same kind of intellectual dishonesty as the parson who takes Holy Orders in the Anglican Church while disbelieving in a fundamental doctrine of the Church, or putting his own private interpretation upon it.

Beyond question, the increasing rigidity of party doctrine and of party discipline is a political fact of the utmost importance. It may be—probably is—an

inevitable consequence of the coming of democracy. It may be a good thing, since it implies a more exact definition of the issues upon which the electors have to vote. But it differentiates the conditions of our day very sharply from the conditions of Bagehot's day, and makes it impossible simply to assume that the principles he laid down about the working of the party system in his day are equally applicable to our day. In particular, it forces us to examine afresh the doctrine, long accepted almost as an axiom, that parliamentary government works best under a two-party system. That might be true when politicians could be broadly classified as in favour of change or against change, while preserving a wide freedom of action: it becomes much more doubtfully true when parties commit themselves to precise and definite dogmas. To divide either the nation or the politicians into those who advocate the taxation of imports and those who advocate the public ownership of the means of production, is obviously not an exhaustive classification.

We shall return presently to the subject of the two-party system. But before we do that, it is necessary to examine a little more closely the organisation of the parties, and the delicate but vitally important question of party funds.

IV. *Party Leadership and Party Organisation*

The most important element in the organisation of a party is its leadership; because it is the recognised leader who, if the party obtains a majority, will be called to the great office of Prime Minister and will wield its vast powers. The selection of party leaders is therefore a matter of vital moment, not only to the party, but also to the nation. Yet there has been a strange indefiniteness about the method of selecting party leaders: for the most part they have selected them-

selves, by becoming indispensable. The Prime Minister is, of course, always the party leader when in office, and he indicates who is to be leader in the House in which he does not himself sit. The ex-Prime Minister has always been the recognised leader when his party is in opposition, unless he should resign. If a Prime Minister dies or resigns when in office, the Crown has always selected his successor, who has usually been obvious; but the selection of Lord Rosebery in 1893 as Prime Minister in succession to Gladstone, and consequently as leader of the Liberal party—a decision which was made by Queen Victoria without even consulting the retiring Prime Minister or the Cabinet—brought about a serious split in the party; and it is probable that such independent action by the Crown will not be repeated. If the Prime Minister should resign, or die in office, it is unlikely that the King would take upon himself the onus of choosing his successor; he would probably leave that delicate task to the Cabinet.

Because of the close connection between the premiership and the party leadership, there were very few occasions during the nineteenth century when a party had to choose a new leader. There was one such in 1846, when the majority of the Conservative party refused to submit to the leadership of Sir Robert Peel after the repeal of the Corn Laws. On that occasion Lord Stanley (later Lord Derby) seems to have fallen into the leadership without election, being already the most active member of the party in the House of Lords; while Lord George Bentinck took the lead in the House of Commons by virtue of his angry zeal, also without election. Again, in 1874, when Gladstone suddenly announced his retirement from the leadership of the Liberal party after the conclusion of his first Ministry, he was succeeded by Lord Hartington; but the appointment seems to have been made by the members of the

late Cabinet (who would to-day be called the ' Shadow Cabinet '), though it was apparently confirmed by a meeting of the members of the party in both Houses of Parliament. Throughout the nineteenth century there was never, in either of the older parties, a formal ' election ' of a leader. In 1899 Sir Henry Campbell-Bannerman was elected by the Liberal members of the House of Commons, but only to the leadership in that House; it was held that he did not become leader of the party until he was invited by the King to form a Ministry in 1905. In theory it did not follow from his election that he would become Prime Minister. In fact, however, his selection as leader in the Commons settled the matter; because it was becoming unthinkable that a Prime Minister should ever again be drawn from the House of Lords.

During the twentieth century the practice has become clearer. The Conservative party has twice elected a leader of the party as a whole, not merely of the party in one House of Parliament. The first occasion was when Mr. Bonar Law was elected leader in succession to Mr. Balfour at a meeting of the Conservative members of both Houses; the second was when, after Mr. Bonar Law's retirement (1923), the party elected Mr. Stanley Baldwin, deliberately passing over Lord Curzon on the express ground that he was a peer. The decision was the more important because it determined who was to be Prime Minister, and practically deprived the Crown of the power of choice which Queen Victoria had exercised in 1893. When even the Conservative party has in effect decided that its party leader must always be a member of the House of Commons, it may safely be assumed that no other party is ever likely to take another view. Lord Oxford, indeed, stated in 1925, after he had accepted a peerage, that once a man had been head of a party Ministry he must remain leader until he chose to resign,

and that there was no recognised way of electing the leader of a party as a whole, but only the leader in one House of Parliament. But in saying this he was thinking rather of the precedents of the nineteenth century than of the practice of the twentieth. On the vitally important question of party leadership the established convention of to-day is that the party leader in the House of Commons is normally the leader of the party as a whole. It is imaginable that the personnel of a party in that House might (with existing electoral methods) be so weakened that the real party leadership might be wielded by somebody outside Parliament; but this would be an unnatural and undesirable state of things.

Nor can it be said (as it would have been said in the nineteenth century, and as Lord Oxford contended) that a party leader, once recognised, must continue to be leader until he chooses to resign. The Conservative party seems still to make this assumption. But the Labour party in the House of Commons, ever since its foundation, has followed the practice of annually electing its Leader as chairman; and since 1924 the Liberal party has followed the same practice.

The powers of a party leader are very great. Public statements made by him are held to commit the party, and to define its future action; and the party is supposed to have a 'mandate' (if it gets a majority) to do anything which he has publicly advocated: thus Mr. Baldwin was held to be not only entitled, but bound in honour, to enfranchise all women at twenty-one, because he had said he was in favour of this course, though he had never even consulted his party on the subject. Only the Conservative party takes this high view of the leader's prerogatives. Both of the other parties have claimed for their democratic representative bodies the final authority in regard to statements of the

party's policy, and this may be said to constitute a definite limitation of the leader's autocracy.

But these statements of policy deal with general principles and aims, not with the questions which arise from day to day; and these are in practice the more important, at any rate for the work of Parliament. When a party is in office the decision of these points naturally falls to the Cabinet. When it is out of office the leader habitually consults the leading members of his party, and sometimes holds a meeting of the whole Parliamentary party, in order to ensure common action. In the two older parties the group of men usually taken into intimate consultation consists of those who have previously held Cabinet office: modern political slang describes them as the 'Shadow Cabinet.' This system has the drawback that the group of ex-Cabinet Ministers may not represent effectually the most vital elements in the party, especially when it has been long out of office. The Labour party in the House of Commons has the practice of electing an executive committee, over which the leader presides. In opposition this body plays the part which the 'Shadow Cabinet' plays in the other parties, but it is apt to be less amenable and less homogeneous; and when the party is in office the existence of an Executive alongside of the Cabinet (which it may be tempted to try to control) creates a situation which might well prove to be difficult.

There is always a possibility that friction, or even open conflict, might arise between the leader and his more intimate advisers on the one hand, and the organised party outside Parliament on the other. It is true that this has never happened in the past; but in the past the party outside Parliament seldom had any effectively organised mode of expression. The Conservative party guards against this danger by leaving to the leader absolute control over the 'party machine,' that is, the

central party organisation and the party fund: he appoints, at his discretion, the head of this organisation. But if there is dissatisfaction, it is always possible that there may be a revolt in the annual representative conference of the party; and although this body appears to have no definite powers, any strong expression of feeling will be attended to, since it must mean that the loyalty and energy of the party are impaired: thus even in the Conservative party, which is normally the most docile, the opinion of the rank and file begins to count for something.

The Liberal party, which was once as autocratically controlled as its historic rival, worked out in the days of its weakness a system of democratic control. Not only did it establish the practice that all declarations of principle and policy must be confirmed by a representative conference of the party, it also set up an elaborate method of controlling the central party organisation, previously in the hands of the leader, the Chief Whip, and their nominees. The executive of its National Federation, together with representatives of the Parliamentary party and others, were constituted into an Administrative Committee, which appointed, and received regular reports from the controllers of the party machine. This system, however, worked badly; and more recently (1932) the Federation has itself asserted direct control over the whole organisation of the party. The justification for this is that the party in parliament no longer represents the party in the country. But as the leaders in Parliament have no direct contact with the new controlling body, there are obviously possibilities of friction.

These possibilities are still greater in the case of the Labour party, which has worked out an extraordinarily elaborate and complicated system of organisation. In the first place, there is an Executive of the party as a

whole, which is quite distinct from the Executive of the party in Parliament; it is appointed partly by the annual party conference, and partly by the Trade Unions, which supply the bulk of the party funds; it appears to have full control over these funds, and it dominates the local organisations partly in this way, and partly by the recently assumed power of approving all candidates. Hitherto the leader of the party has occupied the office of treasurer, which to some extent puts him into a position analogous to that of the Conservative leader; but this does not seem to be a fixed rule. The leader has to deal not only with this body, and with the parliamentary executive, but also with two other bodies outside of Parliament. The first is the Trade Union Congress, which insists upon a sort of concurrent jurisdiction, and is able to do so because the Trade Unions supply most of the party funds. The second is the Independent Labour Party, which, though it was until 1932 affiliated to the Labour Party, has always stood to some extent aloof from it, and has recently asserted its complete independence. It is a propagandist body, dedicated to the forwarding of doctrinaire Socialism; and as its membership has included many Labour members of Parliament, and its propaganda, which is independently conducted, is persistent and enthusiastic, its President (over whom neither the leader nor his Executive has any control) has often been a thorn in the flesh to them.

V. *Party Funds*

Thus in all the parties the opportunities of friction and cleavage increase in proportion as the organisation becomes more elaborate. But in all the parties the real power will inevitably rest with those who control the money-bags. This brings us to the delicate and difficult subject of party funds; a subject upon which

it is not easy to write, because it is veiled in mystery by all parties. Nevertheless it must be discussed, because the means by which political parties pay for the vast expenses of propaganda and electioneering, and thereby wield control over the engine of government, are of vital importance; supreme power might imaginably be bought, through this channel, by organised interests, which might thus, in secrecy, obtain a dangerous dominion over the life of the nation.

A clear distinction ought to be drawn between the funds raised by local party organisations and those raised for the use of the central party machines. In all the parties very large sums are raised locally, by annual subscriptions, fêtes, bazaars and other money-raising devices; and they are spent in maintaining a local office and an agent, and in carrying on educational work. This is a wholly legitimate and a socially valuable form of effort, and the more it is extended, the better it will be for the community. It is far more wholesome that those who share the same ideas should contribute voluntarily to forward them than that the whole cost of party organisation should be borne either by a rich candidate or by a secret central party fund.

But there are comparatively few local party organisations which are able to defray the whole cost of their work. It is scarcely possible to run an efficient organisation in a huge modern constituency, and to carry on the continual work of education which is the highest function of a political party, for less than £600 a year; indeed, on any high standard, that sum is insufficient; and, in addition, even under the restrictions as to expenditure which have been laid down by law, every election costs, on the average, about £1000. The Conservative party, which includes most of the wealthy, finds the raising of money easier than either of the other parties; the Labour party can do the work more thoroughly and at a lower cost than its rivals,

because it has at its command, in the Trade Union officials, an immense staff of organisers who are in direct contact with large sections of the electorate, and who are paid for by the Trade Unions. But all parties find that local efforts have to be supplemented from a central party fund, upon which must also fall the cost of big national advertising campaigns such as are now becoming fashionable.

How are these central funds raised? Who provides the money, and who controls the spending of it?

The older political parties have been in the habit of trusting to very large subscriptions from very rich men. But these subscribers have been curiously modest about allowing their good deeds to be known: when a man subscribes £10,000 to a hospital, he does not usually object to the publication of his benefaction; but when he subscribes £10,000 to a party fund he follows the scriptural injunction, and does not let his left hand know what his right hand has done. Why is this? In part it is because the party organisers do not wish it to be known how much money they have to spend. But there is another reason. While, no doubt, many subscribe for the sake of the party, there have been many also who have used this means of recommending themselves to those who have, or will some day have, the nomination to honours and titles. It is significant that the rapid growth of the size of the House of Lords (below, p. 249) has taken place mainly during the period when party organisation was becoming more elaborate and costly, and when large party funds were becoming necessary; and that the swift increase in the number of baronetcies and knighthoods has taken place in the same period. In other words, the political parties have not been above raising money by the secret sale of honours, as James I filled his depleted exchequer by the open sale of baronetcies.

No doubt the thing was decently and tactfully done.

The Prime Minister, before submitting a list of names to the King, would satisfy himself that they were respectable names; and he would himself know nothing about any bargain that had taken place before the names were given to him—that was the Whips' business. And, of course, many honours were given purely for merit, without any other consideration. But the traffic undoubtedly existed. It had the effect of reducing enormously the prestige of the House of Lords, which has sunk in dignity and power in proportion as it has increased in size. Some may think that this has not been wholly a misfortune. And there may even be some who will defend the system, arguing that money had to be found for political education, that it was best that it should come from the pockets of the rich, that the multiplication of titles and other gew-gaws did nobody any harm, and that, in any case, these contributors, having got value for their money, were at least unable to dictate terms, or to control or influence the policy of the party.

This system reached its climax under the Liberal-Conservative Coalition of 1917–1922, which brought the war to an end. In those years huge fortunes were being very easily made. Their makers, avid of distinction, were ready to spend freely what they had easily won. Many of them, also, were inspired by a genuine enthusiasm for the Coalition Prime Minister, Mr. Lloyd George, who was at the height of his fame and had become a national idol as the organiser of victory. It seemed natural that, at the end of a colossal struggle, titles and distinctions should be widely distributed. The Whips (Liberal and Conservative) used their opportunities; and an immense political fund was created. When the Coalition broke up, in 1922, this fund was divided between the Conservatives (who had supported the Coalition as a united party) and the Coalition Liberals.

Of the Conservative share of the fund nothing more has been heard; it has been merged in the general funds of that party. But the Liberal share has been one of the most fruitful subjects of discussion ever since. It passed under the personal control of Mr. Lloyd George, who administered it through trustees. When the two embittered wings of the Liberal party reunited in 1923 under the leadership of Mr. Asquith, the Coalition fund was not handed over. But substantial blocks of it were transferred from time to time to the headquarters organisation of the party, which from 1925 was democratically controlled, and was required to give periodical accounts of the way in which the money was spent. It is a curious fact that the Liberal party, in these years, has been the only political party which has ever made its finances openly and publicly known. For that reason, it has been subjected to endless criticism by its rivals, who were much more reticent about their own funds. It is difficult to understand why the Liberal party funds should have been the subject of so much public discussion, while the Conservative party funds—drawn, at any rate in part, from the same Coalition source—are never discussed at all. The reason commonly given is that most of the Liberal funds have been under the control of one man, Mr. Lloyd George, who could (as he actually did in 1931) withhold funds when he differed from the policy of the party. But the Conservative funds have been under the control of one man, the Leader of the party; and no public statements have been made as to the amount spent by the party headquarters, nor are these funds under any sort of popular control. The conclusion would seem to be that a political party is ill-advised to let the public know anything about its financial proceedings, but had better keep them dark. Yet this is a cynical and unsatisfactory conclusion.

After the fall of the Coalition, an outcry was raised —none too soon—about the sale of honours; and it was provided that henceforth the reasons for the conferment of an honour should always be given. There is very little safeguard in this: the phrase 'for political and public services,' which has since come into use, may cover anything; to subscribe a large sum for political education is undeniably a political and public service. If the 'sale of honours'—or rather (what is a somewhat different thing) the acceptance of large subscriptions from men upon whom honours are conferred—is to be brought to an end, some more effectual means must be found. When the funds of a party are low, and when a loyal party man who is quite up to the normal standard for a peerage offers a large subscription, the temptation is a very strong one—especially as nobody need ever know! The number of honours conferred was reduced somewhat in the years following 1922; but in 1929 twenty-two peerages were conferred—nearly twice the annual average of the previous decade. It would be reassuring to learn from the leaders of the two parties which have held office since 1922 that no honour has been conferred upon any person who has subscribed more than (say) £1000 to the party chest.

It is probable, however, that while contributions from this source may not be discontinued, a large proportion of the needful funds will be drawn from other sources. It is evident that the Conservative party suffered from no deficiency of money during the election of 1929. An appeal for funds was sent round by a group of business magnates; and, judging by the results, it would appear to have brought in a good harvest. It may be assumed that the Conservative party will never lack funds, because it can draw upon what is called in America 'Big Business.' Once identified mainly with the landowning class, that

party is now pre-eminently identified with 'Big Business,' which ensures the sympathy of the leaders of the party by providing them with directorships when they are out of office. The process of amalgamation and 'rationalisation' which is going on apace in British industry is tending to place an inordinate amount of power as well as vast wealth in the hands of a few financial magnates. Mr. H. G. Wells, in his gigantic novel *Clissold*, made a hero of one of these magnates, and suggested that he and his kind may very well come to be the real rulers not of England only, but of the world. This may seem a nightmare idea to those who have a simple faith in democracy. But it is already on the way to fulfilment in America, where 'Big Business' has made the Republican party the instrument through which it rules; it finances that party on a lavish scale. If the same process is to take place in this country, it is through the Conservative party that 'Big Business' will certainly work; and it will do so by providing ample funds for the rigging of a system of election that eminently lends itself to this mode of treatment, and by making handsome provision for the leading members of the party. The process will be accelerated now that, as in America, the framing of tariffs has become one of the chief activities of politicians; for every trade which thinks it might be benefited by a tariff on competitive imports will regard the expenditure of large sums of money upon the support of the party which is favourable to such methods as a very sound investment. To advocate a protectionist policy is the surest means by which a political party can make certain of having at its disposal an overflowing party fund. The sale of honours will be almost unnecessary. But it may be doubted whether this alternative means of financing a party is really an improvement. Under the bad old system the consideration given in return for a large sum of money was a mere empty title, which

affected nobody but the holder and his heirs: under the bad new system the consideration will be the adoption of specific legislative proposals, which will affect the whole nation.

We turn from the traditional methods of finance which have been used by the older political parties, and from the new methods which seem to be coming into use in the case of one of them, to the very different methods which have been adopted by the Labour party. The Labour party depends in part upon the voluntary individual subscriptions of its members. It has gone farther than either of its rivals in insisting that every member of the party must pay an annual subscription, a small part of which (twopence a head, recently raised to fourpence a head, per annum) has to be paid over by the local branch for central purposes. But this source of revenue is, and has always been, wholly inadequate to meet the needs of the party, or even to cover its local expenses. Equally with its rivals, the Labour party must have a large central fund. Ever since it came into existence it has depended for this purpose mainly upon the Trade Unions.

Before the Labour party was founded, some Trade Unions had provided funds to meet election expenses and afford a maintenance allowance to a few Trade Union leaders, such as Thomas Burt and Henry Broadhurst, in order that the Trade Union point of view might be effectively and directly expressed in Parliament—a very just and necessary aim. All these members, before 1900, sat as Liberals; but they were chosen and supported not on the ground of their political principles, but solely as representative Trade Unionists. No Trade Union ever subscribed to the funds of the Liberal party as such; to do so would have seemed an improper diversion to political ends of funds that were subscribed for industrial and provident purposes. After the foundation of the Labour party in 1900, some

Trade Unions began to make grants from their general funds to the Labour party. This led to a *cause célèbre*, when one Osborne, a railway servant, brought an action against the officials of his Union for using its funds for purposes for which they had not been subscribed, and with which many of the subscribers disagreed. The judges found against the Union (1907), and it seemed as if the new-born Labour party would be crippled for lack of funds. In 1913 the Liberal Cabinet then in power introduced and carried an Act which empowered any Trade Union to take a ballot of its members as to whether they wished to have a political fund or not; and, if the ballot was favourable, to collect with the usual weekly subscription an additional sum for this purpose, subject to the condition that anyone who objected to pay need not do so. The Act did not provide that the members should be asked whether they wished all the funds thus raised to be devoted to a single party; it left the officials of the Union, once the levy was authorised, to spend it on what political objects they thought fit. Nor did the Act provide that any second ballot should be taken.

It was under this Act that the Labour party was provided with the funds whereby it has been enabled to build up its strength; and under the working of this Act nearly all the Trade Unions have identified themselves exclusively with one political party, although many of their members, as individuals, belong to other parties. In doing so, they have also identified themselves with a political creed—that of Socialism; and it is thought by some that they have thus weakened themselves for their industrial work by inviting the political opposition of the other parties; whereas, by following another policy, they might have permeated all parties with sympathy for the Trade Union point of view. It was found (or thought) that the right of 'contracting out' from the political levy did not pro-

vide sufficient protection for those who did not wish to subscribe; and therefore, in the Trade Union Act of 1927, it was provided that every member must definitely express a wish, in writing, to pay the levy before it could legally be collected from him. But this made little difference. All the money that was collected was still devoted to the purposes of a single political party; and those Trade Unionists who did not share the views of this party were still under the obligation either of subscribing to forward views in which they did not believe, or of failing to play their full part in the life of their Unions, and thereby finding themselves (in many cases) excluded from the influence which they might otherwise have exercised.

The political funds at the disposal of the Trade Unions are spent in two ways. In the first place, they are used to pay the election expenses of particular candidates, always members—indeed nearly always officials—of the Union concerned. These candidates, of course, have a divided loyalty: to their party and their constituency on the one hand, to their Union on the other; and in case of a clash, there is not much doubt which way their weight will go. So large a proportion of the Labour members are financed by particular Unions that, in fact, they exercise a controlling voice: the Labour party is a Trade Union party, bound to act at the behests of a single economic interest in the State. A striking illustration of this was provided during the coal trouble, and the General Strike which sprang from it, in 1926. Some of the principal leaders of the party notoriously believed that the miners and the Trades Union Congress were following a mistaken course, which was dangerous not only to themselves, but also to the nation; and they subsequently admitted this. But they dared not say so at the time, because so large a proportion of their followers in Parliament consisted of Trade Union officials supported by

Trade Union funds, over forty of them being miners.

Besides paying the election expenses of a large number of candidates, the Trade Unions also supply the major part—almost the whole—of the central party fund. Accordingly they are represented upon the Executive Committee of the party—its controlling body—by thirteen out of twenty-four members. In other words, a group of Trade Union officials definitely control the policy and finance of the party. Thus the Labour party is dominated by a single organised economic interest.

It is one of the most formidable political facts in our national life that of the two most powerful parties in the State, one is tending more and more to pass under the indirect but real and effective control of the organised economic interest of 'Big Business'; while the other is not merely tending to pass, but has definitely and formally passed, under the control of the organised economic interest of the Trade Unions. Both of these interests are vital and essential elements in the life of the community; but neither can safely be permitted to wield political domination in addition to the formidable economic power it already wields over the life of the community. Both of them may be, and doubtless are, inspired by patriotic aims; but neither can possibly escape from its sectional point of view. Their political power is a new and a growing thing. Is it a healthy thing? Both of them have built it up by taking advantage of the increasing elaboration of party organisation and the increasing cost of maintaining it.

VI. *Can the Abuses of Party be Rectified?*

As we have already suggested, the sharper definition of party doctrines may be a good thing, inasmuch as it gives to the elector a clearer idea of what he is asked to

vote for or against. But it carries the corollary that the elector, if he is to have any real freedom of choice, must have more than two of these sharply defined parties to choose from. If he is to be limited to a choice between two cut-and-dried bodies of doctrine, both of which may seem to him to be vicious and unsound, it will be as if he were asked to decide whether he prefers to be hanged or drowned: he may reasonably claim to have a greater latitude of choice as to his future destiny.

As for the more elaborate organisation of parties, that is an inevitable result of the wider franchise. It is the only way in which the most vital function of a party—that of political education—can be efficiently performed. There is a danger that the local organisations of a party may be too rigidly controlled by its central organisation; but this danger has not yet become very great, except perhaps in the Labour party, which claims to control the choice of candidates. To guard against possible abuses, the Americans have tried to define by law the working of the 'primary,' *i.e.* the assembly for the selection of a candidate. The idea which inspires these provisions is that, if (as is in practice the case) the elector is to be limited to a choice between two or three candidates, he ought to have some voice in deciding who these candidates shall be. A provision of this sort would be useful in qualifying the domination of party wire-pullers, both central and local; but it is not likely to be adopted in this country.

The only aspect of party organisation in which some form of legal intervention might conceivably be effective is party finance. It has been suggested that there might be compulsory publication of party accounts, including a list of all subscriptions of more than a defined amount, whether paid by an individual or by a corporate body, such as a Trade Union or a brewery

company. There is a great deal to be said for this proposal, just as there is a great deal to be said for a fuller publicity of the accounts of trading companies. No doubt methods of eluding the law would be discovered, as in the case of company accounts; but a good deal would be gained. It is commonly objected that this would involve a legal recognition of parties, which has hitherto always been avoided: our election law, for example, deals only with the candidate and his agent, and pretends to be unaware of the very existence of the party behind them both. But there ought to be some limit to the ignorance about the realities of life in which our legal system pretends to exist. The law pretends that there is no such person as the Prime Minister. It knows nothing of the Cabinet. It has never heard of bureaucracy. It pretends that Parliament is really responsible for legislation and taxation. It is unaware of the existence of political parties. If we are to maintain this astounding refusal to recognise real facts, we debar ourselves from taking the most direct means of remedying evils.

It may be thought that a more effective way of dealing with the dangers of the existing methods would be to pursue still further the method of prohibiting or limiting certain forms of outlay in electioneering, and thus reducing the need for, and the value of, large party funds. The law now limits, to so many pence per head of the electorate, the amount that may be spent upon an election by the candidate or his agent. The limit is, in fact, constantly exceeded; because there is no way of preventing outlay, and the only way of punishing it is to lay a petition against the successful candidate. Even if the petition is successful (and offences of this kind are difficult to prove), the party in whose interest it is brought always suffers; and, in any case, the unsuccessful candidate gets off scot free, however brazenly he has exceeded the limit. The

returns of expenses are frequently falsified, and there is no way of checking them, other than a trial and inquiry after the election is over. Something might be done if the law required that all returns should be verified, at the expense of the candidate, by a chartered accountant; and if a fine equal to the amount of the excess were imposed upon all candidates. But these fines would be paid out of party funds; and the richest parties would cheerfully incur them. Again, something might be done by definitely prohibiting certain forms of expenditure, such as poster advertisements, or the distribution of what is called 'literature' beyond a certain amount. But it would be exceedingly difficult to check such expenditure, which is, in any case, a useful form of political education. And if it is difficult to check expenditure during an election, it is still more difficult to discover any means of checking it before the election begins.

There is, in short, no effective means of preventing parties which control large funds from spending them upon an attempt to persuade the electorate. The only safeguard is the good sense of the electors themselves. But the electors can only show good sense if the methods of election are such as to give them a real freedom of choice, a real chance of expressing their views. If they are in practice limited to a choice between two parties both of which may seem to them to represent interests which are dangerous, or ideas that are unsound, no safeguard of any sort can exist, and democracy will become an extraordinarily perilous form of government. The one effective remedy against the danger of over-elaborated party organisation is to be found in a sound electoral system: to this question we shall return in the next chapter.

VII. *The Breakdown of the 'Two-party' System*

Having examined the character and organisation of modern political parties, and noted their rapidly increasing rigidity of doctrine and discipline, and the ease with which (through their secret party funds) they can be brought under the control of powerful special interests; and having, further, observed how profoundly they have changed since Bagehot sang the praises of party government? we are now in a position to examine afresh the doctrine—long accepted as a sort of axiom—that the British system of government can only work well when there are not more than two principal parties; minor parties being only tolerable when they enlist themselves under the banner of one or other of the major parties.

The arguments in favour of this doctrine are of varying merit. One of them, very frequently used, is that there are only two lobbies in the House of Commons, which is a picturesque way of saying that you must always vote for or against the Government; but it does not follow that you must always vote in the same way. In every Parliament in the world the members have to vote either for or against every proposal, or abstain; this does not prevent them from grouping themselves in a number of parties.

Another argument, on the same level of triviality, is the statement that the House of Commons, with its opposing rows of benches, was built for a two-party system. In a sense this is true: it was designed in 1834, when there were only two parties; but the design followed the model of the old House, which was that of a chapel, with rows of stalls at each side.[1] Very few other Parliament-houses have followed this inconvenient model. It is also true that the streets of the

[1] And the members, on entering or leaving the House, still bow to the imaginary altar behind the Speaker's chair.

City of London were designed for slow horse-traffic; but nobody proposes for that reason to exclude motor-traffic. If the City authorities tried to exclude motor-traffic, business would desert the City. And if the House of Commons cannot accommodate itself to changing conditions, power will leave the House of Commons—as it is already doing.

Again, it is often assumed that the only alternative to a two-party system is a system of numerous groups, such as is found in most of the Continental countries; and it is taken for granted, without argument, that it is a bad thing that a number of separately organised groups should exist. But why should this be so? Given that the electoral system works well, this should mean that the national mind will be more accurately reflected; for it is obvious that there are always more than two schools of thought in the nation. Are we to assume that it is undesirable that the mind of the nation should be accurately reflected, or, in other words, that the representative system should represent? It may be contended that in such circumstances government must be inefficient, or, in other words, that representative government will only work when it is not really representative. But are we justified in assuming that government is actually inefficient in all the countries where there are more than two parties? Are Sweden and Denmark really worse governed than Britain? Has France grappled less successfully than we have done with her post-war problems? Would Germany—a land in which parliamentary government only began in 1919—have made a better business of her terrible post-war difficulties if she had had two instead of a dozen parties? In actual fact, the mere existence of these numerous parties has forced her to form coalitions, to seek reasonable compromises, and to aim at achieving the greatest common measure of agreement among her people. For this reason, in

spite of changes of Government, there has been a real continuity in her policy. Would she have done better, or as well, if the reins of government had passed by violent oscillations from one side to the other in a two-party system, each side fiercely denouncing its opponents whenever it passed into opposition? It is true that there are countries in Europe in which representative government has been a failure, and in which there are numerous parties: they have alternated between corrupt chaos and corrupt despotism. But these are mostly backward and largely illiterate countries, not ripe for democracy, whether under two or many parties. Against them must be set the cases in which representative government has achieved marked success in very difficult circumstances, not merely in spite of the existence of numerous parties, but perhaps even because of that fact; since it enabled every solid body of opinion in the nation to feel that it was represented, and made reasonable compromises and adjustments of view both possible and necessary.

Moreover, it is not true that a multitude of groups is the only alternative to a two-party system. In nearly all the English-speaking countries—even in the United States—there is a significant and constantly recurrent trend towards a three-party system; it is commonly checked by the working of the electoral system, but it continually revives. At the same time, in those European countries which have been most successful in working parliamentary institutions there is a marked tendency for the various parties to coalesce into three groups. They are commonly described as Right, Centre, and Left; but they correspond more or less to the British Conservative, Liberal, and Labour. And this would seem to be the natural grouping under modern conditions. In almost all countries those who take a serious interest in politics may be divided into three types: first, those who do

not desire any great changes in the social order; secondly, those who desire great changes, but only in a Socialiſt or Collectiviſt direction; and thirdly, those who desire great changes, but not in a Socialiſt direction—rather in the direction of creating the conditions within which individual enterprise can operate with moſt advantage to itself, and with leaſt reſtriction of the liberty of others.

Finally, we are often told (in one of those sounding but unanalysed phrases that are the worſt obſtacles to clear thinking) that the genius of the British political ſyſtem is hoſtile to the exiſtence of more than two parties, and that this has been shown by the rapid extinction of every third party that has come into being. Yet the genius of the British political ſyſtem did not prevent the continuance of the Irish Nationaliſt party, nor did it forbid the riſe of the Labour party. So far as the ſtatement has any subſtance at all, it is merely this—that our methods of election are undeniably very unjuſt to small parties, as we shall see when we come to examine them in the next chapter; but this is not by any means their only defect. Sometimes the sounding phrase is interpreted as meaning that the Cabinet ſyſtem will not work when there are more than two parties. But it works in other countries. It is not Cabinet government, but Cabinet dictatorship, which depends for its exiſtence upon the continuance or revival of the two-party ſyſtem; and we have already seen reason to believe that Cabinet dictatorship falls short of the ideal of good government.

Indeed, our analysis of the realities of our ſyſtem of government would seem to lead us, not to the conclusion that the two-party ſyſtem has been the secret of its virtue, but rather that it has been the cause of its graveſt defects. It worked well enough in the days when parties were not elaborately organised, and were not marked off by clearly defined doctrines, so that

men of many different schools of thought could find a home in each of them, and still retain their freedom of action in Parliament. It began to work badly when the parties began to be elaborately organised and strictly disciplined, and when they began to impose upon their adherents fixed and rigid doctrines. Since then, and because of that change, the two-party system has distorted the working of our system of government, and it has distorted also the expression of the nation's mind in elections.

It has distorted the working of our system of government by dividing Parliament into two serried and disciplined armies, a majority whose primary aim is to keep a party Government in office, and a minority whose primary aim is to discredit it in order to replace it. This gives unreality to the proceedings of Parliament, and has gravely weakened its prestige in the eyes of the nation. Because the Opposition will seize every possible opportunity of discrediting the Government, the Government party must swallow its scruples, and support the Government in all it does, abdicating the duty of frank and candid criticism except when it is not likely to have any serious result. This is the foundation of Cabinet dictatorship; and behind the cloak of Cabinet dictatorship bureaucracy, as we have seen, grows daily more powerful.

The distortion of the nation's verdict at a general election when the two-party system is in full being presents an even greater danger, and a danger all the greater because it would be concealed; since, if every elector were compelled to choose between two parties, there would be no means of telling how many of them were dissatisfied with both.

The seriousness of this danger is best illustrated by the election of 1929, precisely because the two-party system was *not* then working, three parties being in the field in every part of the country. In this election the

Conservatives obtained 8,664,000 votes; the Labour party 8,379,000 votes; and the Liberal party 5,301,000 votes. From these figures two broad facts emerge very clearly. The first is that a large majority of the electors wanted to get rid of the outgoing Conservative Government, which obtained only 38 per cent. of the total votes cast: indeed, it is common knowledge that the defeat of the Conservatives would have been even more severe if thousands of their alienated followers had not given them their votes through fear of Socialism. The second fact is that a rather larger majority of the electors were definitely opposed to Socialism, for the Labour party obtained only 37 per cent. of the total; and it is certain that the Labour poll was substantially swollen by the widespread belief that the Labour party was the only practicable alternative to a continuance of Conservative Government. Those who were opposed to both of the larger parties, and therefore voted Liberal, formed more than 23 per cent. of the total, in spite of the widespread belief that the Liberals had no chance of forming a Government.

Now if there had been a straightforward two-party contest between the Conservatives and the Socialists, what would the result have been? Nobody can possibly say. But whatever it might have been, it would have falsified the real verdict of the nation. There must have been either a Conservative or a Labour majority. If there had been a Conservative majority, it would have been interpreted as a vote of confidence in the Conservative Ministry, which would have been the opposite of the nation's real opinion. If there had been a Labour majority, it would have been taken as a proof that the nation had been converted to Socialism, which would have been completely untrue. A two-party system would therefore have led, whatever the result of the election, to a misrepresentation of the nation's judgment. It was only the effective inter-

position of a third party which enabled the nation not only to give a clear verdict, but to do what, by a large majority, it wanted to do—namely, (1) to get rid of the Conservative Ministry, and (2) to replace it with a Ministry which would be debarred from carrying out Socialist measures. The two-party system would have compelled the nation to submit to one or other of two things to which, by a large majority, it was definitely opposed. The three-party system saved it from this monstrous distortion of 'representative' government.

PART II

THE CONTROL ON BEHALF OF THE PEOPLE

CHAPTER V

THE HOUSE OF COMMONS: ITS ELECTION

I. *Preliminary*

In the foregoing chapters we have endeavoured to analyse, in a realistic way, the forces that control our government, not allowing ourselves to be content with hallowed phrases and theories, but striving to look below the surface and to see realities. We have found that there are three main controlling forces in our system, all of which are entirely unrecognised by the law of the Constitution. The first is a very able and omnipresent bureaucracy, which wields (under the cloak of ministerial responsibility) an immense amount of largely uncontrolled power; it has become the effective working machine of government, and plays the major part in shaping our administration, our laws, and our finances. The second is an all-but-omnipotent Cabinet, which has assumed the supremacy in every sphere of government, administrative, legislative and financial, but is quite unable to fulfil efficiently the gigantic responsibilities it has assumed; it is very jealous of its power, and normally has at its command the means of reducing to ineffectiveness, by the use of its parliamentary majority, any attempt to control its action. The third is a series of highly organised parties,

eternally engaged in a fierce struggle to create or to maintain a majority whereby the dictatorship of a party Cabinet may be upheld; the administrative machines of these parties control large secret party funds, through which it is possible for organised economic interests to wield a dangerous degree of power over the life of the nation.

All these elements in our system are, in their place, valuable and wholesome. But they all need to be exposed to an incessant stream of instructed criticism, and to be brought under control on behalf of the nation. The second part of our task, therefore, is to examine how 'the control on behalf of the nation' is exercised, and whether it can be made more effective without diminishing the vigour and efficiency of government.

The machinery provided by the Constitution for criticising and controlling the Government is Parliament. It is the central doctrine of this book that Parliament is not, and ought not to be, a *governing* body; it has not, and it ought not to have, the primary responsibility for carrying on administration, or proposing laws, or defining what money should be spent and how it should be raised. That work belongs to the Government—to the bureaucracy, to the Cabinet, and to the party from which the Cabinet is drawn. The business of Parliament is criticism, and 'control on behalf of the nation.' It ought to examine the work of administration and see that it is economically and efficiently done. It ought to discuss carefully and amend every new law or ordinance proposed by the Government. It ought to satisfy itself that the expenditure proposed by the Government is reasonable, that there is no waste, and that the taxes suggested by the Government to cover this expenditure are well-devised, and as little burdensome to the people as may be. These are

vitally important functions, but they are functions, not of government, but of criticism and control.

Since these are the proper functions of Parliament, its constitution and procedure ought to be so organised as to secure that these functions are well performed. We have seen that they are not well performed to-day. They are not likely to be well performed so long as the idea prevails that the chief duty of Parliament is simply to maintain a Government in power, and so long as it is held that this implies the existence of a majority pledged to support the Government through thick and thin. That is the prevalent view both among politicians and among the writers of text-books on the Constitution.

Of the two Houses of Parliament, the House of Commons, as the representative House, is, of course, immeasurably the more important. The House of Lords, shorn of its old powers by the Parliament Act of 1911, preserves no more than a shadow of its former greatness; there are even some who think that it now performs no useful function, that it cannot serve the purposes of a Second Chamber, and that it should either be swept away, or be allowed to survive merely as a harmless and picturesque relic of antiquity. Clearly it is the constitution and working of the House of Commons that we must first survey.

II. *The Existing Method of Election and its Defects*

The House of Commons exists to represent the mind and will of the nation as a whole, not of any section in it. The first essential of a representative body is that it should be truly representative. This may seem a truism; yet, as soon as its implications are stated, it arouses fierce dissent in many who profess to be, and think themselves, democrats.

What are these implications? (1) The representatives of the nation ought to include spokesmen of all substantial bodies of political opinion, as nearly as possible in proportion to their numbers. (2) In voting for these representatives, the electors should be encouraged and enabled to vote honestly *for* what they believe in, and not merely *against* what they dislike or fear, otherwise their real opinions will be distorted or misrepresented. (3) The electors should also be in a position to make a choice, among those who claim their votes, not merely on the ground of their opinions, but also on the ground of their character and ability: it ought to be impossible for an elector to be placed in the dilemma in which he now sometimes finds himself, of having to vote either for an incompetent fool or for a dishonest careerist, with no wider choice. (4) No single element in the electorate ought to have a preponderant voice, out of proportion to its numbers; in particular, it ought not to be possible for a wavering margin of indifferent and unthinking electors, under the influence of stunts, slanders, or impossible promises, to render of no avail the votes of much larger numbers of citizens who take their civic responsibilities seriously. These seem to be not unfair criteria of a sound system for the election of representatives who are to control the Government of the country. Yet there are many political thinkers who have persuaded themselves that any serious attempt to satisfy these criteria must make government impossible.

Let us, at all events, examine the working of our existing electoral system with these criteria in mind. We shall find that it does not satisfy them, that it does not satisfy any one of them. We can then consider whether there are any means by which they could be satisfied; and if we can find any such means, we can ask ourselves whether they would

have the effect of making government impossible. If so, we shall have to abandon as a Utopian dream the idea that a representative system can be made truly representative; but that will be a pessimistic and a cynical conclusion, a condemnation of democracy.

For the purpose of electing the House of Commons, the country is divided into 595 constituencies, of which eighteen return two members each, and one (the Scottish Universities) returns three members; the total number of members is thus 615. But since 576 constituencies elect only one member apiece, our system may broadly be described as one of 'single-member constituencies.' Every man and woman over the age of twenty-one is entitled to a vote. Persons who are registered as the occupiers of business premises, together with their wives, are entitled in certain cases to cast a second vote; and graduates of Universities have an additional vote for one or other of the twelve University seats. There is a demand that these extra votes, which give increased weight to the well-to-do and educated minority, should be abolished, on the principle that in a democracy everybody should count for one, and nobody for more than one. The constituencies are so arranged as to be approximately equal in size, though there are considerable variations. Apart from the Universities (where the number of voters is much smaller) the average number of members in a constituency approximates to 50,000.

The system of 'single-member' constituencies and (approximately) equal electoral districts is a very modern innovation, dating only from 1884. Until that date, with only slight modifications, members were always elected for counties and boroughs as a whole—that is, for organised communities with a character and tradition of their own: the name of the House of Commons (which means the House of

Communes or communities) is a reflection of this. But in a large proportion of cases the modern divisions disregard this: the divisions into which big towns and populous counties are broken up have no character or separate life of their own, and no local patriotism; they are purely artificial, existing solely for the purpose of the election, and not corresponding (except by accident) with the units of local administration. There are now no members for Bradford or Portsmouth, only for East Bradford, or for Central Portsmouth. There is loss in this divorce of civic or county sentiment from our choice of members of Parliament, but it is an inevitable consequence of the system of 'single-member constituencies.'

In each constituency any number of candidates may present themselves. They need not belong to the constituency; few candidates do. The only requirement is that they should obtain the signatures of a few registered electors upon a nomination form supplied by the returning officer. But any candidate who fails to obtain one-eighth of the votes actually polled is fined £150. The candidate who obtains the largest number of votes is declared elected, whether he has obtained a majority or not. Thus, if we suppose four candidates to contest a seat, one of them getting 15,000 votes, a second 14,999, a third 14,500, and a fourth 5501, the first candidate would be declared elected by a majority of 1, and would 'represent' the opinions of all the voters, including the 35,000 who voted against him; the fourth candidate would be fined £150 for having presumed to give 5500 electors an opportunity of expressing their real opinions. The purpose of this system of fines (or 'forfeited deposits') is to discourage frivolous candidatures. Its effect is to restrict the right of nominating candidates to the elaborately organised political parties.

The selection of candidates is made by the local organisations of the various parties—often very small bodies brought into existence solely for the purpose of the election; so that the ordinary elector knows little or nothing about the process of selection. As the expenses of an election are great, these selecting committees will often give the preference to a man who is prepared to defray these expenses himself, even if he is incompetent; or to a Trade Union official whose expenses will be defrayed by his Trade Union because it wants to have one of its officials, for its own purposes, in the House of Commons; or to a man who is recommended by the party headquarters, if it is willing to pay the costs.

In some cases only one candidate will be nominated, because the party for which he speaks is overwhelmingly strong in the constituency. These are the 'safe seats'; and if they are not wanted for leaders of the party, they often go to men who have subscribed large sums to the party's secret fund, but who may not know enough about politics to be able to stand a fight. In these cases the work of political education, which is the most valuable function of all political parties, is often abandoned through sheer hopelessness by the minority parties, because they cannot hope to convert sufficient voters to win, and it does not seem worth while to convert a handful. All the electors in such a constituency who are not blind adherents of the majority party are in effect disfranchised. They might as well have no votes, since they cannot use them, and therefore cannot exercise any influence upon the course of events.

In most constituencies there are two or three candidates. Where there are three, the elector will have a real freedom of choice; but even so, the candidate whose views most nearly correspond with

his own may not, in his judgment, be a desirable person to send to Parliament, or may hold some opinions from which he strongly dissents. Where there are only two candidates, there will always be a large number of electors who do not agree with either: one of them, for example, may be a fervid Protectionist, the other an ardent Socialist, and a particular elector may believe strongly that both Protection and Socialism would be ruinous to the country. He is entitled to his opinion; not only that, he is entitled, as a citizen in a democracy, to express his opinion. Yet, however he votes, his opinion will be misrepresented, and his support will be credited to a cause of which he strongly disapproves. What is he to do? He must either disfranchise himself, or vote merely for the candidate who seems to him least objectionable. Most often he takes the latter course; but the result is that it is never possible to tell, in any particular case, whether the majority which a candidate obtains is a real majority or not, and this is also true of the voting throughout the country as a whole. The ingenious suggestion has been made that every ballot-paper should contain a space for the elector to indicate that he was not satisfied with any of the candidates—in other words, there should be a sort of 'Colonel Bogey' candidate in every election. It would be amusing to see how many votes he got. But he would not get all that he ought to get; because the elector, deprived of the power of expressing his real opinion, would still want to use his vote to help to keep out the candidate he thought most objectionable. This negative kind of voting—not *for* what the elector believes in, but merely *against* what he dislikes or fears—is exceedingly prevalent; and the more prevalent it is, the more it deprives election results of their significance. It is also very danger-

ous. Democracy will never work well until the elector expresses his honest opinion with his vote.

Misleading voting is further increased by the fact that, since all votes that are not given to a winner simply do not count at all, and exercise no influence whatsoever upon the composition of Parliament or the course of events, thousands of electors, being unwilling to waste their votes, cast them not upon principle at all, but upon a calculation of chances. All parties strive to capture this gambling element in the electorate by loud assertions that they are winning. Could anything be more dangerous? Again, when there are three or more candidates, thousands of electors do not vote for the man in whom they believe, if they think he is not going to get in, but vote for somebody else in the hope of keeping a third candidate out. In doing so, they sometimes defeat their own ends. In one recent instance some hundreds of voters, being supporters of candidate A, came to the conclusion that he was not likely to get in, and—anxious to prevent the success of candidate B—transferred their votes to candidate C. The result was that candidate C was at the bottom of the poll, while candidate B, whom they wanted to defeat, won the seat by a few score of votes over candidate A: he owed his victory to the transference of votes from A to C. What can be said for a method of voting which leads to such results? It is the very negation of honesty and principle in the exercise of the franchise. Nobody can ever be sure that any individual election represents with any approach to accuracy the real mind of the electors.

What is still more serious is that this method of election throws controlling power into the hands of the least solid, the least instructed, and the most wavering part of the electorate—into the hands of

those who can be driven this way or that by sudden panics, or electioneering 'stunts,' or campaigns of creeping slander, or wild and reckless promises. In almost any constituency a swing of perhaps 5 per cent. of the electorate—often consisting of people who have never taken any serious interest in politics, and have perhaps not even attended the meetings of the rival candidates—will give victory to one side or another; and solid bodies of reasonable opinion that cannot be stampeded in this way count for nothing, and are excluded from exercising any influence by their votes upon the course of national policy.

Finally, under this system of election the verdicts of the nation in general elections are often distorted in the most amazing way. When three parties are in the field, it is mathematically possible that one party might obtain the largest aggregate of votes and yet not win a single seat in the House of Commons: this would happen if its candidates ran second in most of the constituencies, while the candidates of its rivals sometimes won by small majorities and sometimes lost by big majorities. It can very easily happen that a party which is in a minority in the country may obtain a large majority in the House of Commons; it has often happened—twice since the war. Hence every election becomes a gamble; and this gambling element brings an extremely unhealthy influence into the policy of Governments and the political life of the nation.

The extraordinary nature of the results produced by the existing electoral system is brought out by an analysis of the results of the elections since the war—the first elections under a democratic franchise. We cannot, of course, trace the distortions which were due to the casting of votes under the sort of influences already described. But even on the assumption that all votes were honestly cast, and

that every voter had a real chance of expressing his true opinion by his vote, the results formed, in every case but one, an incredible distortion of the facts.

In 1918, the Coalition which had just carried the country through the war appealed for support. It obtained what was universally regarded as a smashing victory, winning 472 seats in the House of Commons against 130 won by the anti-coalition parties—a majority of nearly 4 to 1. Yet the coalition parties had only obtained 52 per cent. of the votes cast, against 48 per cent. given to their opponents; and if the number of seats had been strictly in proportion to the number of votes, the Government would have had a majority, not of 342, but of 30. Obviously this result was a gross distortion of the nation's mind. It may be said that it strengthened the hands of the Government, and, no doubt, this is true: it gave to the Government an unqualified dictatorship. On the other hand, if the situation in the House of Commons had more nearly corresponded to the state of opinion in the country, the transition from war-time dictatorship to peace-time discussion would have been eased, and some serious errors of policy (notably in Ireland) would have been avoided.

Three elections, at very short intervals, followed the collapse of the Coalition in 1922; those of 1922, 1923 and 1924. In the first (1922) the Conservatives obtained 347 seats in Parliament, and a clear majority of 79 over all others. Yet they polled only 38 per cent. of the votes cast, while the Liberals polled 28·5 per cent. and the Labour party 29·5 per cent. If seats had been in proportion to votes, the Conservatives would still have been the largest party, and would therefore presumably have formed the Government; but they would have had no clear majority, and therefore would have been compelled

to pursue a policy which would have represented the greatest common measure of agreement in Parliament and in the country. This they could certainly have done, because the Liberals, who were still divided into two wings, were not likely to displace them in order to make way for the Labour party, so long as they committed no grave blunders.

Mr. Baldwin, however, tempted by his parliamentary strength, thought it safe to appeal to the country for a majority in favour of Protection (1923). On that issue the second election was fought; and the other two parties alike opposed the Government. The Conservatives obtained almost exactly the same percentage of votes (38) as in the previous election; but thanks to the vagaries of the electoral system, they lost ninety seats, and were placed in a minority of nearly 100. Even so they obtained 24 seats more than their true quota, and the Liberals 24 less than theirs. In view of the issue on which the election was fought, the Conservatives could not but be turned out of office; and the Labour party was called upon to form its first Government. This was the first 'minority Government' in modern parliamentary history. It might have held office for some time, and done much useful work, had it been willing to recognise the facts of the situation, which made it plain that no measure could be carried that did not command the support of more than one party, and therefore of a majority in the country. For some time it did so, drawing now upon the support of the Conservatives (for example, on armaments) and again upon the support of the Liberals (for example, on housing). But, having got into a difficulty on a trivial question which gave no justification for a dissolution, Mr. MacDonald resolved to try the gamble of an election, in the hope either of winning a clear majority or, at the least, of ruining the Liberals,

who had given him generous support; and the third election within two years was needlessly precipitated.

In this election (1924) the chief feature was the *débâcle* of the Liberals, who obtained only 17 per cent. of the votes cast, as against 29 per cent. in the previous year. Upon them fell the brunt of the nation's exasperation at these frequent elections; they were blamed on the one hand for having put the Labour party in, and on the other for having put it out; and they obtained only 42 seats, whereas in proportion to their votes they should have had 108. The Labour party increased its poll by nearly a million votes, yet obtained 39 fewer seats—a striking proof of the unpredictable character of the system. But the Conservatives increased their poll by nearly two millions, rising from 38 to 47 per cent. of the votes cast. They were still in a minority of votes. But they obtained an overwhelming majority of seats —415 against 200 for all others; though their true number, in proportion to votes, would have been 289. Thus entrenched, they were able to govern with autocratic authority for nearly five years, and to disregard the discontents and criticisms which much of their policy aroused: even by-elections did not warn them, because, in three-cornered contests, they were often able to win on minority votes. If their position had more nearly corresponded with the facts —if they had had only a narrow majority, or no majority at all—they would have been compelled to hearken to criticism; some of their worst blunders would have been qualified; and the ultimate reaction would have been less violent.

The reaction came in the election of 1929, when the Conservative poll fell back to its old figure of 38 per cent., which seems to represent the normal strength of post-war Conservatism. But with this 38 per cent. poll they obtained, not the 347 seats

of 1922, but only 253 seats. The Labour party, on the other hand, which polled only 36 per cent. of the votes, won 288 seats—64 more than its right proportion—and became the largest party in the House. The Liberals, though their poll rose to 23 per cent. of the total, which ought to have given them 141 seats, obtained only 58, but found themselves in the position of holding the balance between the other two. If seats had been in proportion to votes, the Conservatives would have had 231, the Labour party 224, and the Liberals 141; and it would have fallen to the Conservatives to have constituted the Government, shaping their policy so as to carry with them one at least of the other parties on every measure they proposed.

This analysis of a sequence of five post-war elections may have seemed tedious to the reader. But it is highly instructive. It shows that our method of election—quite apart from the unhealthy influence which it exercises in individual constituencies, and which we have already discussed—is so unpredictable in its results over the nation as a whole that every election becomes a gamble. This, in its turn, exercises a very unwholesome influence upon the policy of statesmen or party organisers. Instead of pursuing a steady and straightforward course, adjusting their policy to the opinions or sentiments of the majority in the nation, they are tempted to gamble for the unqualified dictatorship which a big parliamentary majority ensures, and to use this dictatorship for the purpose of carrying out projects to which the majority of the nation is opposed. The real mind of the nation is obscured, not revealed, by elections conducted in this way; the real supremacy rests not with the sober and thinking elements in the nation, but with the margin of unthinking waverers who can be swung this way or that by panics, stunts and promises; and

it is to this margin that politicians are tempted to address themselves in the gamble for power.

These are not the only defects of the existing system. In every constituency it tempts candidates to compromise with their principles and pander for groups of votes, since a mere handful of votes may make the difference between victory and annihilation. Wherever there are only two candidates, one or both of them must be under a continual temptation to qualify his views in the hope of winning voters of the party which has no candidate. This, no doubt, affects most deeply the Liberal party, because it stands between the other two: in the Parliament of 1924 it divided the Liberals into three sections, those who owed their seats partly to Conservative votes, those who owed them partly to Labour votes, and those who had fought an honest three-cornered contest. But the other parties also are affected, though in a less degree. We shall not have honest politics until these compromising influences are brought to an end; and they can only be brought to an end by a drastic change in the method of election.

Finally, the existing system excludes from Parliament many men of ability and character who ought to be there. There are many men, widely known and esteemed in the country, whom tens of thousands, scattered over the country, would desire to see in Parliament; but unless they can be accommodated with a 'safe seat,' which is not likely to be offered to them if they are men of independent minds such as we need, they have very little chance of election. Mr. Asquith was excluded from Parliament during some years of critical importance when his presence would have been of the highest value. Charles Masterman, a politician and writer whose quality was never highly enough appreciated, could not find a seat when he became a Cabinet Minister, though probably two

million voters wanted to see him elected; and his career was closed. Lord Robert Cecil was for a time shut out from Parliament because (like a large proportion of his party) he was a Free Trader when the dominant elements in his party had changed their view on that subject. And scores of less-known instances could be given. Our method of election does not encourage the choice of many men of great ability, though very large numbers of the electors would support them. But it encourages the election for 'safe seats' of third-rate men who would disappear on anything like a general poll, if that were practicable.

In short, our method of election is in the highest degree unjust, unsatisfactory and dangerous. It actually disfranchises a large majority of the electors. If we could estimate the total of those who are deprived of their votes by unopposed returns; of those whose votes are of no avail because they have voted for unsuccessful candidates; of those who have refused to use their votes because there was no candidate with whom they agreed; and of those who have voted reluctantly for somebody who did not represent their views merely because he was less objectionable than the available alternatives: we should probably find that something like 70 per cent. of the total electorate had either been unable to exercise any influence upon the course of events by the use of their votes, or had been compelled to give their support to some doctrine or policy with which they disagreed. Again, the system encourages, and almost compels, a sort of dishonesty both in the elector and in the candidate, by persuading the former to vote against what he dislikes rather than for what he believes in, and by tempting the latter to compromise with his principles in the hope of attracting votes. Again, the system distorts the national verdict given in a general election, pro-

duces the most extravagantly unjust results, turns every election into a gamble, and by doing so exercises an unhealthy influence, almost despite themselves, upon the policy of party leaders. Finally, the system notoriously fails to sort out the most suitable men for the work of Parliament, and excludes many men of distinction whom almost the whole nation would desire to see included in its membership.

A system of which all this can be said is clearly far from perfect. Why, then, is it not altered? There would seem to be two main reasons. One is that party politicians are loth to abandon a system which always dangles before them the chance of a gambling victory that will enable them to carry proposals they desire, without the toil of convincing a real majority of the nation. There is never a real majority in the nation for the wilder and more extravagant proposals of any party; therefore a system which may yield a fictitious majority has its advantages for some minds. This argument is never openly put forward; but it probably has a strong subconscious influence upon many party politicians.

The second reason, which is more reputable, is that the existing system, with all its vagaries, is consistent in this, that it is always unfair to the smaller parties. It exaggerates the majority of the victors even in a two-party contest. Thus, in 1900 the Conservative party obtained 402 seats against 268 for the Liberals, a majority of 134, whereas, in proportion to the votes cast, they ought to have obtained 343 against the Liberal 327, a majority of only 16. Again, in 1906 the Liberals won 512 seats and a parliamentary majority of 354, when they ought, in proportion to votes, to have obtained only 385 seats, and a majority of 95. Is it necessarily a good thing that majorities should be so large? That is a widely accepted view to-day, because with a large majority

the dictatorship of the Cabinet is unqualified. But those who feel misgivings about Cabinet dictatorship will not be so ready to adopt this conclusion.

Again, when there are three parties, the system is always hardest upon the smallest party, and, indeed, tends to make its continued existence very difficult, because its supporters, tired of wasting their votes, tend to give them to one or other of the other parties. Hence it is held to be a virtue of the existing system that it is likely to crush a third party out of existence, and force the nation back into a two-party system. At the present moment this would mean the disappearance of the Liberal party, which includes nearly one-quarter of the electorate, on the figures of the last election. But is it really desirable or democratic that 5,000,000 people who have a definite point of view should be denied any opportunity of expressing their point of view through their votes, and that, disbelieving both in Protection and in Socialism, they should be forced to choose between them? To a dispassionate observer it might well seem that the fact that a method of election might possibly produce such a result is not an argument in its favour, but rather a very powerful argument against it—a conclusive proof that the system is incompatible with a genuine representation of all solid bodies of opinion in the nation.

Moreover, if we have reached the conclusion that the two-party system in itself is not a good thing but a bad thing, and that it has been responsible (as we argued in the last chapter) for the worst defects of our system of government, the argument that the existing electoral methods will tend to clamp the fetters of the two-party system permanently upon the limbs of the nation will not appear very persuasive. Those who use this argument have indeed persuaded themselves that our machinery of government will not

work except under a two-party system. We have already, in the last chapter, seen some reason to doubt the soundness of this view; and others will emerge in the course of our argument. In the meanwhile, there is no resisting the conclusion that the existing electoral system is a distortion and a falsification of democracy, not to be tolerated if any better system can be reconciled with the efficient conduct of government; and we must proceed to inquire whether a better system can be found.

III. *Problems and Projects of Reform*

The absurdities and injustices of the electoral system have long been apparent, and various methods of reform have been advocated in this country and put into practice in others. In 1918, when the enlargement of the franchise was under consideration, a Speaker's Conference dealt with the subject, and made a series of proposals which would have profoundly modified the system. They broke down owing to a conflict between the two Houses; and the system of single-member constituencies continued. Its absurdity was made more apparent than ever in the five general elections between 1918 and 1929. Once again, therefore, in 1930, the subject was discussed by a parliamentary conference presided over by Lord Ullswater. But no impartial consideration seems to have been given to it: the representatives of each party thought only of the probable effects of this scheme or that upon their own political fortunes; and the report which they presented was inconclusive. The Labour Government introduced a Bill which (along with other changes) would have introduced the system known as the Alternative Vote, which would (they believed) be electorally advantageous to them. But the Bill had not become law when the crisis of

1931 precipitated another general election, which had to be fought on the old system.

The result was an even more grotesque distortion of the real balance of opinion than any election since the war had displayed. The election was fought under the influence of panic. The Conservatives and a majority of the Liberals combined against the Labour party, and in effect, though not in form, the Alternative Vote was in operation. Even so, the Labour party obtained over seven million votes, but instead of the two hundred seats to which it was entitled, it won only fifty, and nearly all its responsible leaders were excluded from Parliament. The Liberals, deeply divided and without resources, were reduced to impotence, yet even so they obtained a larger representation than the Labour party; while the Conservatives obtained a majority so huge that they could do what they liked. Thus a vicious electoral system, working in a moment of panic, produced (as in 1918) a result so completely out of harmony with the real balance of opinion in the country that it was likely, in due time, to lead to a very violent reaction.

In spite of the demonstration of the absurdity and injustice of the electoral system which every successive election has afforded, the problem of electoral method has never been taken seriously during the post-war period. The reason why it was never taken seriously was that the two larger parties were unwilling to sacrifice the gambling chance of obtaining a parliamentary majority without a majority in the country. Each of them was confident that it would in due course obtain dictatorship by these means if only the Liberal party could be squeezed out of existence (as it seemed likely to be) by the working of the electoral system: but the Liberal party obstinately refused to disappear, or to reconcile itself either to Protection under the control of the vested interests, or to Socialism under

the control of the Trade Unions; and the voting at every election (except the panic election of 1931) showed that this double negative was in accord with the mind of the nation. Neither of the larger parties was prepared to recognise that the denial of any means of expression to a solid body of opinion in the country was a negation of democracy. Neither of them appreciated the danger of the violent oscillation between extremes which must result from an enforced return to a rigid two-party system when such a dichotomy had long ceased to represent the real balance of opinion in the country.

The new situation created by the extraordinary election of 1931 may bring about a change. A reaction against the exaggerated Conservative predominance of 1931 would seem to be as inevitable as was the reaction against the over-powerful Coalition of 1918. In 1922 the Conservatives succeeded, with real skill, in dissociating themselves from the Coalition in which they had been the predominant partners: they are not likely to be able to repeat this manœuvre in 1936, or whenever the next general election may come. The electoral system which exaggerates the swing of the pendulum in one direction is likely to exaggerate it in the other; and, fearing this almost inevitable event, the Conservatives may think it wise to safeguard themselves against a complete *débâcle* by a measure of electoral reform which will secure to them a representation corresponding to their real strength in the country. This is possible; but it is not very likely, for no party on the crest of a great wave seems ever to anticipate its descent into the corresponding trough.

Again, it is possible that the revolution of 1931 (for it was no less) may bring about a far-reaching realignment of political forces in Britain. All over the world, the main political cleavage of the future

is likely to be, on the one hand, between those who take a narrowly Nationalist view of the problems of our time, and those who accept and recognise the interdependence of all peoples in the modern world, realise that no nation can win either security or prosperity by its isolated action, and are ready to base national policy upon these facts; and on the other hand, between those who wish to continue the old struggle for ascendancy between organised vested interests, and those who believe that a planned reorganisation of our social and economic system is necessary if mankind is to be able to enjoy the abundance that is within its reach. The dominant elements in the Conservative party, and some of the elements in other parties that are now associated with them, look at the world's problems from a Nationalist point of view, as is shown by their fiscal policy, their imperial policy, their foreign policy, and their attitude on disarmament; they are closely linked with the vested interests of finance and 'Big Business,' while the official Labour party is linked with the vested interests of the Trade Unions. But there is a growing body of opinion, with supporters in all countries and in all parties, which distrusts this attitude of mind, regards it as the main cause of the world's troubles, and is impatient of all the existing party machines and of all their manœuvres to obtain power by obscuring the issues before the electorate, and by utilising a bad electoral system. It may be that those who take this view will somehow contrive to draw together, despite their wide differences. The circumstances of the moment are not unfavourable to such a movement. The international idea has a strong and growing hold in the country. The old party machines are breaking down. The Labour party is deeply divided, and large elements among its followers are disillusioned by its recent failures and distrustful of the domination

of Trade Union officials. The Liberal party, always fissiparous, is split into fragments in Parliament, and its followers in the country, though more convinced than ever of the soundness of their creed, are disheartened and eager for a new start. The younger generation sits loose to old party allegiances and has lost patience with the way in which the game of politics seems to be played. It may be that out of all this confusion some new and powerful political movement will emerge. But if it does, one of its first tasks must be to restore sincerity and reality to politics, and to give freedom of expression to the variant currents of thought that are at work in the community; and this will only be possible if the method of election to Parliament is amended. Unless Parliament once more becomes the arena of honest discussion, instead of the manœuvring ground of rival wire-pullers, its influence, already weakened, will be destroyed; and even in Britain, the Mother of Parliaments, the system of government by discussion and agreement may be discarded in favour of some ruinous experiment in autocracy.

It is necessary to recognise that the two-party system cannot survive in a huge democracy such as ours, once live issues have arisen which cut across the traditional party divisions. The attempt to maintain it by means of an organised injustice cannot last, once the injustice has become apparent. The argument that it is necessary for the working of our system of government loses force when it becomes clear that our system of government has grave defects, and that these defects are largely due to the working of the two-party system itself. Either electoral reform will come, bringing greater elasticity and sincerity into political life, or democracy will break down, and be replaced by some new autocratic and irresponsible power.

Faced by the necessity of changing the method of election, the first instinct of many people is to ask: What is the minimum change that will effect the purpose in view? The two most obvious defects of the existing system are, first, that it discourages electors from voting for what they believe in, lest by doing so they should let in a candidate of whom they strongly disapprove; and, secondly, that in too many cases members of Parliament are elected by a minority vote, and therefore cannot fairly be said to represent their constituencies. Two methods of dealing with these difficulties have been suggested; they are known as the Second Ballot and the Alternative Vote.

Under the Second Ballot a second vote would be taken a few days after the first in all cases where the member was not elected by a clear majority. In one form of this system, all the candidates would stand again, but the supporters of the weakest would have the chance, if they so desired, to transfer their votes to one of the other candidates, knowing when they did so how the election had gone throughout the country. In another form only the two highest candidates would appear at the second ballot. This system has two outstanding defects. In the first place, there is no possible means of ensuring that the voters would take the trouble to vote a second time. In the second place, there would be an orgy of intrigue and bargaining among the parties between the two ballots, as French experience has shown. In France, where the Second Ballot exists, defeated candidates have been known to accept money in return for a recommendation to their supporters to vote for one of the other candidates: some have even stood for the sole purpose of earning base money in this way. Add to all this the expense of a double election, and the prolongation of the interruption of business always caused by an

election, and it will seem unlikely that this method will ever be adopted.

The Alternative Vote seeks to achieve the objects of the Second Ballot by a single operation. When there are more than two candidates, the electors are permitted to mark their order of preference with the figures 1, 2, 3. If no candidate obtains a clear majority, the lowest on the list is struck off, and his votes are distributed according to the second preferences indicated on his ballot-papers. Knowing that he can, by means of his second preference, help to defeat the candidate whom he most fears or dislikes, the elector will normally give his first preference according to his real beliefs, and thus straightforward voting will be encouraged; while the ultimate choice will represent a clear majority of the voters—if they use their second preference votes, as most of them would do.

There would be cases in which the exclusion of the third candidate would seem unfair, especially if he was only a few votes behind his rivals. It might often happen that the third candidate would, on second preference votes, rank above both of his rivals, which would mean that he most nearly represented the greatest common measure of opinion in the constituency. To meet this difficulty, a modification of the scheme has been proposed whereby, in the first count, every candidate would be credited with half a vote for each second preference given to him. But this would not work: the second preference would not be used, since the voter would realise that he was strengthening an opponent's chances; and the final result would, in most cases, still be the return of a member on a minority vote, which is precisely what the system is designed to avoid.

Though it is attractive on the surface, the Alternative Vote would not do anything to cure the defects of the electoral system. Instead of encouraging the

honeſt and ſtraightforward presentation of his real beliefs by every candidate, it would have the reverse effect: every candidate would perforce ask himself which of his rivals was moſt likely to be at the bottom of the poll, and would be tempted to angle for the second preferences of his supporters; every political leader would be placed in a dilemma when he was asked to advise his followers as to the use of their second preferences. By a concerted policy in this respect, any two parties could combine to deſtroy the third, or at any rate to reduce its representation far below its right proportions, as the Labour Party was almoſt deſtroyed in 1931. The Alternative Vote aims at getting rid of minority representation. But it does so only in appearance, not in reality. The voters who reluctantly transfer their votes from the candidate who really represents their views to the leaſt objectionable of the others who do *not* represent their views cannot be said to be any more effectively 'represented' than they are to-day. The ſyſtem does nothing whatever to qualify the fundamental defect of the present method—namely, that the elector is limited to a choice between two or three men in whose selection he has no voice, and none of whom may seem to him a satisfactory representative. Nor is it likely to correct the gross misrepresentation of the ſtrength of various political factors in the country, or the gambling character of an election, which result from the present ſyſtem: these evils might even be intensified by it. Both the limitation of the elector's choice and the erratic character of election results are consequences of the single-member conſtituency, and can only be corrected by a departure from that ſyſtem.

IV. *Proportional Representation*

The only means by which all the defects we have described could be amended is some system of proportional representation—some method of ensuring that every substantial body of political opinion in the country should be represented in proportion to its strength. The argument for such a system is in theory unanswerable: it is the natural corollary of democracy. But many people, especially English people, have a healthy distrust of logic in human affairs. They rightly insist that it is the practical working of institutions that matters, rather than their logical perfection; and when elaborate schemes of proportional representation are put before them, they have instinctive misgivings that the indirect and unpredictable consequences of such a change may be dangerous; may upset the whole working of our system of government, and lead us into chaos. Even when they are told that various forms of proportional representation have been tried, with more or less success, in one country or another (and the system is far more widely adopted than most critics realise),[1] they rightly maintain that foreign experience is no sound guide for this country, with its old, customary, slowly developing institutions; and rightly demand that any proposed electoral system shall be justified, not merely by logic, but by a searching analysis of the way in which it would work in our conditions.

As long ago as 1860 John Stuart Mill pointed out the dangers of the single-member constituency in his *Representative Government*. He showed how the limitation of the elector's choice deprived him of the means of expressing his real opinions, and put him at the mercy of organised parties, which might, by skilful

[1] It is in use to-day in Belgium, Holland, Denmark, Sweden, Norway, Switzerland, and the Irish Free State.

handling of the electoral machine, secure unreal majorities that would place the destiny of the nation at their mercy. He showed that the real danger of democracy lies, not merely in the possible misuse of power by a majority, but in the obtaining of majority power by an organised minority The only safeguard against this danger is to make sure that all solid and sober bodies of opinion are fairly represented. If that is done, in a country like ours, there is little fear of reckless and ill-considered measures being imposed upon a bewildered people. The fair representation of minorities is essential not only for their own protection, but for the well-being of the whole. Representative government is a dangerous system unless there is representation of *all*, and not merely of the majority, or of the casual majorities (often, as we have seen, unreal) in various districts. Nobody ought to be disfranchised, as a majority are in practice to-day. Every elector ought to be able to feel that his vote has directly contributed to the election of somebody who represents his view, and to the shaping of national policy.

The device advocated by Mill was Hare's scheme of proportional representation, which was also supported by Henry Fawcett and others. It is needless to describe this scheme in detail. It would, in effect, have turned the whole country into one huge constituency. In practice it would have been quite unworkable, and Bagehot and others riddled it with effective criticism. But it was the first attempt to deal seriously with a very important problem; and its central principle was sound—namely, that every citizen ought to be able to feel that his vote counted, instead of being merely thrown away unless he gave it to the candidate who happened to be the winner in a single locality. Only one attempt has been made to put into practice the idea of a nation-wide con-

stituency. The Irish Free State has adopted this method for the election of its Senate, with the idea of securing the choice of national figures. The method has not been successful. For the election of members of the Lower House (the Dail Eireann) the Free State has adopted another system of proportional representation, which *has* been successful, and has enabled a distracted country to escape from the throes of revolution by giving to every important section of the community a sense that it is fairly represented.

Another form of proportional representation was adopted in Germany under the Weimar constitution after the war. Under this system the whole of Germany was divided into thirty-five gigantic constituencies. Any organised party could put forward an official list of candidates for a constituency, and the electors voted, not for individuals, but for an official party list. Each party obtained one seat for every 60,000 votes it received, and the seats were allotted to the candidates in the order in which they appeared in the party lists. Surplus votes, not sufficient to make up a quota of 60,000, were pooled and assigned to candidates on a national party list.

This system may have helped to ease the situation at a critical time, by enabling every large body of opinion to feel that it was fairly treated. Moreover, it prevented party dictatorship. Hitler would have got a majority in 1931 if the British system had existed in Germany; he had no majority even in 1933. But in other respects the system was a bad one. The constituencies were so large that candidates could not make themselves known. The electors could not vote for individuals, but only for party lists. Since any party could put forward a list, the multiplication of parties was encouraged; though it is true that there were not so many parties as in the pre-war Reichstag, which was elected on the single-member system.

Worſt of all, the rigidity of parties was intensified, and the power of party caucuses was increased, because the liſts were drawn up by the caucuses, which could ensure the election of 'yes-men' by putting them at the top of the liſt, and the defeat of independent-spirited men by putting them low down. The rigidity of party, thus encouraged, largely contributed to the downfall of the democratic syſtem.

Nobody in Britain has ever advocated the adoption of the German syſtem, or of anything like it. But the syſtems of the Scandinavian countries, which have all adopted proportional representation, have had very different results. There the conſtituencies are of reasonable size and there is no absurd multiplication of parties, the three chief being Conservative, Liberal and Socialiſt. No party ever gets a clear majority, and party dictatorship is therefore impossible. The party that forms the Government has to co-operate with other parties; it is forced to be reasonable, and to cultivate the democratic art of compromise. Yet Governments are not unſtable, as British opinion thinks they muſt be under such conditions. On the contrary, they are long-lived, and they have been able to carry out large programmes of reform without violent or embittered controversy. Parliament genuinely controls the Government, and its control increases rather than decreases efficiency. Every elector knows that his vote counts, and that the party to which he belongs plays a real part in the management of common affairs. The consequence is that these countries are more united, more contented with their Governments, and better governed, than almoſt any others. They are the model States of the modern world.

The form of proportional representation which holds the field in Britain to-day involves a much less draſtic change than either Hare's syſtem or the German

system. Long advocated by the late Lord Courtney and others, it has had the support of leading men of all schools of political thought, including Lord Birkenhead and Mr. Amery among the Conservatives, Sir John Simon among the Liberals, Mr. Snowden and Mr. Clynes in the Labour party. It is known as the system of the single transferable vote. It would group the existing constituencies together into larger constituencies, with a minimum of three members, and a maximum of (say) seven, the limits of the constituency being fixed so as to correspond, wherever possible, with a natural unit, a town or a county, or a couple of neighbouring towns with the intervening county areas. Thus Bradford, now broken up into four divisions, would become a single constituency with four members; Hertfordshire would become a single constituency with five members. Large cities, such as Birmingham, would probably be divided into two or three constituencies, though it would not be impossible to work them as units; very populous counties, such as Yorkshire, would be divided into large natural units. The existing divisions need not disappear: they might be retained for the purposes of party organisation, and candidates might have to be nominated for a particular division, in which they would specially concentrate their work: if elected, they would be assigned to their division, and should a by-election become necessary, it would take place in the division that had been vacated.

Whatever the number of members in the constituency, each elector would have one vote only; but he would be entitled to indicate on the ballot paper the order of his preference among the candidates by numbering them, 1, 2, 3, 4, etc. If the candidate of his first preference did not require his vote, or was hopelessly out of the running, the vote would be transferred to his second preference, and if

need be to his third, and so on. In no case would his vote be wasted: it would always help to return somebody. This is the essence of the whole system, the means by which it is ensured that every vote counts.

There would, of course, be no limit to the number of candidates, any more than there is now. The political parties might either nominate the full number of candidates, or only as many as they thought were likely to win seats. If a party estimated that it could not hope to win more than two seats in a five-member constituency, it might save money and effort by putting forward only two; on the other hand, it might get a better and more varied team of speakers to work the constituency, and give a chance to young men to win their spurs, by nominating the full number. Whichever course it adopted, its representation would be proportionate to its strength. Of course others besides regular party candidates could (as now) be put forward. The fear is often expressed that frivolous candidatures would be encouraged. This might be checked by a provision, such as now exists, for a forfeitable deposit. But this is a bad method: it often penalises perfectly legitimate candidatures, and it does not choke off a rich man, like Mr. Hunnable, who went the round of a series of by-elections a few years ago, cheerfully forfeiting his deposit in each case for the sake of a moment's notoriety. A far better plan would be to require that every candidate should be supported by a hundred, or five hundred, registered electors, whose signatures would have to be appended to his nomination form.

Thus far, the procedure is quite simple. It is only with the counting of the votes that any complexity appears; and this does not affect the elector. It is, indeed, a quite straightforward process; it will take a little more time than the present method, but

in a matter of so much importance that is of no moment. First the quota of votes required to elect a candidate must be fixed. Given the number of seats and the number of voters, that is easily decided. The *first preference* votes of all the candidates are then counted. It may be that only one candidate obtains more than the quota at this first count—he may be a party leader, who gets most of the first preferences of his followers. But he will have many more votes than he needs. The next step is to examine his papers, and distribute his surplus votes (beyond the quota) among the other candidates in proportion to the number of second preferences they have received. This may, perhaps, bring another candidate above the quota line. Next the lowest candidate on the list, who has no chance of election, is struck off, and his votes are distributed among the rest. And so the process goes on, until the requisite number of candidates have been elected with a proper quota of votes. In the result, practically every vote will have counted; practically every voter will have helped to return one or other of the members; and the final return will correspond, as closely as possible, to the actual balance of opinion in the country. It will not correspond quite so precisely as the German system; in general, the strongest party will get a slight advantage, though nothing like so great an advantage as under the present system. And no solid body of opinion strong enough to constitute more than one-sixth of a five-member constituency, or more than one-fourth of a three-member constituency, will have failed to get its due representation.

Such is the system of proportional representation as it is advocated for this country. It would plainly yield a more accurate reflection of the mind of the country than the present system can ever do. It would give to every elector a real liberty of choice

among a number of candidates. It would discourage dishoneſt voting, for when every elector knew that his vote would not be waſted he would vote according to his conſcience. It would encourage political parties to carry on their educational work everywhere, because every convert's vote would count. It would put an end to the gambling chances and the gambling risks of the present ſyſtem, which exercise ſo dangerous an influence upon the policy of ſtatesmen. It would dethrone that wavering and uninſtructed margin of voters who now have the deſtiny of the country in their hands, because it would enſure to every ſolid and reaſonable body of opinion representation in proportion to its ſtrength. If need be, it would facilitate ſelf-reſpecting and open agreements or arrangements between parties, because they could co-operate in Parliament without ſlackening their propaganda in the country. These are the more obvious advantages of the ſyſtem: others will appear later.

V. *Criticisms of Proportional Representation*

What are the disadvantages which the opponents of the ſyſtem fear?

They fear that the voters would be unable to underſtand the ſyſtem, and that many voters are ſo ſtupid that they could not use their preference votes. The experience of all the countries in which the ſyſtem has been adopted ſhows that this fear is illuſory. But if it be true that there are a great many voters who know and care ſo little about the iſſues ſubmitted to them as to be unable to remember the names of more than one candidate, or to indicate the order of their preference among the candidates, it would ſeem to be a poſitive advantage of the ſyſtem that it would partially diſfranchiſe ſuch people, or, rather, that it would enable them partially to diſ-

franchise themselves. The greatest danger of universal suffrage is that it is apt to throw power into the hands of the ignorant and the indifferent; and, as we have seen, the existing system is peculiarly open to this danger, because it gives the determining voice to those who take no interest in politics except during the factitious excitement of an election. Indeed, there is strong reason for urging that—whatever electoral system we adopt—the dangerous power of voters of this type should be diminished. This result would be at any rate partially attained if it were provided (*a*) that no new voter should be placed upon the register except after a personal application made at an appointed time in each year; and (*b*) that the names of all electors who did not vote in any election should be struck off the register, and only replaced after they had taken the slight trouble of making a new application. This device, which has been adopted in a number of the American States, is in no sense undemocratic: everybody would have a right to the franchise, but nobody would be allowed to exercise it unless he had taken the trouble to have his name placed upon the roll of voters.

There is a fear that the constituencies would be so large as to be impossible to work. There are parts of the country in which this would be true. It would be impracticable to throw Orkney-and-Shetland, Caithness-and-Sutherland, and Ross-and-Cromarty into a single constituency. Wherever the electorate is scattered over a very wide area, the single-member constituency would have to survive. But these are exceptional cases, to be decided on their merits. Elsewhere, it must not be forgotten, while the constituency would be larger than now, it would be worked, for each party, by a larger number of candidates. They would work as a team, each, no doubt, giving special attention to his own division, but con-

ſtantly helping his colleagues; and this would, in many ways, make the work easier rather than harder. It has been ſuggeſted that several candidates of the same party would be jealous of one another as competitors. But this disregards the fact that each of them would depend for the chance of success upon getting, not only first-preference votes, but the second or third preferences of those who voted for his colleagues: they would necessarily be partners.

There is a fear that, in such large conſtituencies, 'personal contact' between the member and his conſtituents would be loſt. It has gone already, in conſtituencies of forty or fifty thousand electors, except in the case of a minority of the member's own supporters. That would ſtill survive; so would the member's local association with his 'division,' which would correspond with the conſtituency of to-day.

There is a fear that the ſyſtem would encourage 'freak' candidatures and ſectional intereſts; and, alternatively, that it would lead to an increased rigidity of party organisation. Both of these fears cannot be fulfilled, because they are incompatible; in fact, both of them are baseless. The 'freak' candidate—the fanatic on some special ſubject—has his place in public life: we have him now. But under proportional representation it would scarcely ever be possible for him to get a quota from firſt preferences only: he would need second and third preferences, and these he could only obtain by attaching himself to one of the big organised parties. On the other hand, the fear that party organisation will become too rigid and too powerful is equally baseless: the ſyſtem (unlike the present ſyſtem) would be hoſtile to undue rigidity. Each party, eager to draw votes from non-party voters, or from the moderate members of other parties, would ſtrive to nominate a team of the beſt possible candidates. And, to achieve its aim, it would have to be

a varied team. The Conservatives could not afford not to put up a Free Trader among their candidates if they wanted to catch Liberal second or third preferences; the Liberals would be likely to include an advanced Radical and a Moderate; the Labour party a Trade Unionist and a doctrinaire Socialist. Thus, under the pressure of the system, parties would become wider and looser, as they used to be in the nineteenth century; and the cleavages between parties would become less bitter. The result of a system of proportional representation would therefore probably be, not a multiplication of parties, so much as an increasing elasticity and tolerance within parties.

But, even if this were so, the critics of proportional representation fear that its result would be to stabilise the balance of parties, and to banish for ever the possibility of a clear party majority. There would be an end of exciting dissolutions and appeals to the country, followed by sweeping changes in the complexion of the House of Commons, such as have been the turning-points in our political history; for, under proportional representation, though of course there would be changes big enough to raise a party to the first place and give it the opportunity of forming a Ministry, there would never be such violent swings of the pendulum as we have known in the last generation. We should therefore have to adjust ourselves to a balance of parties as the normal state of things.

This is the fundamental objection to proportional representation from the point of view of those who hold that the only satisfactory form of government is that of a Cabinet commanding a stable majority in the House of Commons. It is not a sufficient answer to say (as we have already said) that this condition does not exist in any Continental country, and yet government goes on tolerably well: the rejoinder is ready, that Continental countries are not Britain. Nor

is it enough to show (as we have already shown) that the system of government through a Cabinet commanding a majority has in fact produced many unfortunate results: the rejoinder again is ready, that this may be so, but at any rate the system we have is better than anarchy. If we are to meet these objections, we must contrive to show how the usages and conventions of our system could be modified so as to make efficient government compatible with the existence of a genuinely representative Parliament, such as proportional representation would yield. In such a Parliament there might often be no clear majority for any single party. There might be three parties, or more; but all the parties would present a considerable range of opinion. Party discipline could not be strict, because almost every member would feel sure of his place in his constituency; and the cleavage between parties would not be as sharp as it is now. Could government be carried on in and through such a Parliament?

VI. *The Conditions of Government when there is a Balance of Parties*

When no single party has a majority in Parliament (and this is likely to be a frequent, if not the normal condition of things, whether we adopt proportional representation or not), government can be carried on in one of three ways. (1) A coalition Ministry of two parties may be formed. (2) One party may form the Ministry, but be supported, on an agreement as to policy, by a second party. (3) One party may form the Ministry without any agreement with any other party, and trust to holding its own by steering a skilful course, and proposing nothing which one of the other parties will not be likely to support.

The first two of these methods—coalition and agree-

ment—have both been found impracticable under the existing electoral system; because the two parties concerned must feel themselves handicapped in the constituencies. In a single-member constituency any political activity must have as its aim the displacement of the sitting member. If the members of two allied parties carry on propaganda in one another's constituencies, relations between them must become strained: if they do not, their own prospects are damaged. Under proportional representation this difficulty does not arise, because both parties can be represented in the same constituency. Therefore a coalition or an agreement between two parties is practicable under proportional representation, if or when it is desirable.

The third possibility—the conduct of government by a minority Ministry without an agreement with another party—is undeniably difficult in existing conditions; but it is by no means impossible. The Labour Government of 1924 could have carried on for a much longer time if it had not lost patience, and if it had understood what the circumstances demanded. The Labour Government of 1929 succeeded in carrying on for two years, and might have lasted much longer if it had not been overwhelmed by a crisis that was due to the state of world-trade. At the outset of this Ministry, its Prime Minister, Mr. MacDonald, appealed to Parliament to act as "a sort of Council of State," in which all parties should honourably contribute to make the government of the country as efficient as possible, without sacrificing their own principles. This is a fine ideal, and not impossible, though difficult, of attainment. But the non-Government parties are bound to reflect that the more they fall in with this ideal, the more credit will accrue to the Government. They cannot but think anxiously about the possible effect upon the constituencies,

especially as (under the existing system) a very small transfer of votes in a few constituencies may make an enormous difference. They cannot but fear lest they should be suddenly plunged into a general election at a moment favourable to the Government party; and this fear must lead them to try to discredit the Ministry. These fears would be far less, and therefore the possibility of smooth working for a minority Government would be far greater, under a system of proportional representation. For, in the first place, the non-Government parties would know that, though they might suffer a little from the popularity of the Government, they would be in no danger of annihilation. And, in the second place, the Prime Minister would be much less likely to precipitate a dissolution; because, knowing that no sweeping turnover was possible, he would realise that a small increase of strength such as he could hope to get from a general election would be no compensation for the exasperation of the other parties, upon whose co-operation he would still depend. It would appear, therefore, that the working of a system of proportional representation would not only render coalition or agreement practicable, but would also greatly ease the working of minority Government.

It would ease it also in another way. Party discipline would necessarily be less strict under proportional representation, since most of the members would feel that their parties could not readily oust them from their seats. A competent Government would therefore be able to count upon a good deal of support from the other parties on the merits of its proposals: there would be less strict 'whipping,' and more free voting, as there used to be in the middle of the nineteenth century.

Nevertheless, it must be recognised that if government by a minority Ministry is to become normal,

some changes will be necessary in the conventions or customs which have grown up during the ascendancy of the two-party system. What are these changes? Will they work smoothly? And are they likely to work more or less smoothly in a Parliament elected by proportional representation than in a Parliament elected by the present methods?

(1) A minority Ministry must recognise that it cannot hope to carry any measures for which it cannot obtain support beyond its own party. In other words, it can only carry proposals for which there would be a majority in the country. It is a paradox, but none the less it is true, that a minority Ministry is the best means of ensuring majority government; because a minority Ministry cannot force through Parliament proposals which would be rejected by a majority in the country.

(2) The non-Government parties—or at any rate one of them—must abandon the pernicious doctrine that it is the duty of the Opposition to oppose. Instead of hampering the Ministry, they must give it all reasonable facilities; instead of continually striving to oust it on any pretext, they must strive to improve its work. Without for a moment abandoning their own principles, or resigning the right and duty of free criticism, they must recognise that their primary function in Parliament is not to seize power for themselves, but to see that the country is as well governed as possible. This may seem too lofty and self-denying a line of conduct to be possible for politicians. Yet there is one consideration which deserves weight. In a balance of three (or more) parties, one at least is likely to give a Government fair play and reasonable support, until it does something outrageous; because the smaller party must always be aware that if it helps to oust the Ministry, it will be the larger party, and not itself, which will take its place. Under the present system, indeed, this may be qualified by fear of what may hap-

pen at the next election if the Government does too well; this fear, as we have seen, would be materially qualified, if not removed, by the security which proportional representation would give. While the present system survives, party leaders may be tempted not to play fair, not only by the fear of an election, but by the hope of a sweeping turnover. This also would be weakened or destroyed under proportional representation; and Opposition leaders would be the more ready to give fair treatment to a Government, because they would know that, when their turn to govern came, they must need the same kind of treatment.

(3) A minority Ministry must recognise that it cannot wield the dictatorship which its predecessors have enjoyed. It must allow freedom of debate in the House of Commons. It must submit to criticism of Ministers or bureaucrats which its predecessors would have trampled down, and accept amendments to its Bills which its predecessors would have closured and destroyed. It must not resign, or threaten resignation, upon anything less than a matter of vital principle, or a vote of censure; and on all minor matters it must accept the judgment of the House of Commons. This means that under such a system the House of Commons will once again become a free deliberative assembly; and the non-Government parties will get their share of credit for the work they do from a public which will find a new interest in Parliament.

(4) If or when it does resign, a minority Government must recognise that it has no right to claim a dissolution; and it might be well that Parliament should embody this principle in a Humble Address to the Crown. This is, beyond comparison, the most vital of all the conditions which will make government practicable under a balance of parties. And it is eminently reasonable. There are only two valid reasons for a dissolution before the normal term of Parliament

expires. The first is that some question has arisen upon which it is essential that an appeal should be made to the electorate. On that point, the House of Commons is the best judge. The second is that government cannot be carried on without a dissolution. But when a minority Government resigns, its place can usually be taken by one of the other parties, and government can be carried on. There is therefore no reason why the Prime Minister of a minority government should be entitled to claim a dissolution. In the past, Ministries have been able to whip their majorities to heel by a threat of resignation and dissolution, involving a heavy fine upon every member. A minority Government should not be in a position to fine the members of the House of Commons; it should only be able to fine its own members, by deprivation of salary.

Given the establishment of these understandings or conventions, Government can work very well in a condition of balanced parties: not only so, but an opportunity will be opened for the House of Commons to perform its true, but long abdicated, functions of criticism and control. But these conventions are not likely to be established, nor is the system of government under the criticism of a free Parliament likely to work well, so long as the existing erratic, unpredictable and unjust methods of election survive. This was very clearly shown by the course of events in the Parliament of 1929. It is true that a minority government was able to carry on far better than the advocates of the Two-party system believed possible. But the experiment was vitiated, in a large degree, by two facts. In the first place, it was assumed that the Prime Minister had a right to claim a dissolution if he thought fit; and this influenced the conduct of the other parties. In the second place, knowledge of the unpredictable results of an election, if it should take place, kept all parties anxiously

glancing over their shoulders, fearing annihilation if they should offend the wavering margin of voters who determine the results of elections under our existing system. It is only on the basis of the security and stability which proportional representation alone can afford that free and responsible criticism can be carried on.

NOTE.—In a New Year message to his followers, published in *Forward*, Jan. 3, 1930, Mr. Ramsay MacDonald argued that the experience of the late session showed the need for a clear Government majority. He was referring to the fact that the Government had narrowly escaped defeat on the second reading of the Coal Bill. The marketing proposals of this Bill were regarded as vicious and dangerous by both of the Opposition parties, and by the opinion of almost every commercial interest in the country. They were subjected to devastating criticism in the House of Commons, and no serious attempt was made to defend these objectionable provisions. The great majority of the Labour party notoriously disliked them, though they voted for them to a man. No doubt it would have been convenient to the Government to be able to override all this opposition by means of a docile majority. But would this have been advantageous to the nation?

CHAPTER VI

THE HOUSE OF COMMONS: ITS WORK

I. *The Inefficiency of the House of Commons*

We have examined the way in which the House of Commons is elected, and have found strong reasons for dissatisfaction with it; we have discussed the possibility of a better method, and have found that this would involve a permanent change in the working of our system, by making it improbable that any party would ever have a large majority. We have next to examine how the House of Commons now does its vitally important work of exercising, on behalf of the people, an effective control over the Government. Such a control is, as we have seen, gravely needed. As now exercised, it is very ineffective: it has not availed to check a dangerous growth in the power of bureaucracy, nor has it done anything to correct the defects which are due to the inability of the Cabinet to use the enormous powers which it has arrogated to itself. We must therefore consider by what means, if at all, the House of Commons might be enabled to do its work better; and whether it would be helped or hindered by the changes in its composition and character which were suggested in the last chapter.

One of the chief causes of the failure of the House of Commons to exercise an effective control over Government is the dictatorship wielded by the Cabinet whenever it commands a majority; and, in particular, its practice of treating every serious criticism of the work of the Departments as an attack upon itself, to

be resisted with the whole strength of its majority. This cause would disappear if no party-Cabinet possessed a majority.

But this is not the only cause of the ineffectiveness of House of Commons control. Another, not less important, is the universally admitted fact that the House of Commons is so overburdened with business as to be quite unable to do any part of its work well. Indeed, this is a large part of the explanation of the growth of Cabinet dictatorship. 'Pressure of business' is always the justification advanced for the drastic use of the closure and the 'guillotine,' whereby the discussion on Bills is so severely cut down that many clauses are never discussed at all. 'Pressure of business' is also the justification for strictly limiting the time allowed for the debates on the Estimates, which provide the only opportunity for surveying and criticising the work of the Departments. 'Pressure of business,' once more, is the explanation given both for the increasing extent to which important matters are settled by Orders issued by the Departments, and for the fact that there is practically no review or discussion of these Orders by the House of Commons.

Suppose the dictatorship of the Cabinet to be removed. Suppose the closure and the guillotine to be much more sparingly used—as they would be, if there were no Government majority to enforce them. Suppose debate to be free, and adequate time to be allowed for the full discussion of Bills and Estimates. Would the necessary business ever be transacted? As things now are, the answer (as the politicians say) must be in the negative. And, that being so, it would appear that the suppression of free and effective criticism, and of the exercise of real control by the House of Commons, is the price that has to be paid for the transaction of the multifarious business of modern government. Must, then, the omnipotent

but bewildered Cabinet, and the bureaucracy which thrives under the shadow of its omnipotence, be left to their own devices, checked only by such sporadic and ineffectual ventilation of objections or grievances as the existing arrangements allow?

This would be a sorry conclusion into which to find ourselves driven; because it would mean that representative democracy cannot really control its own machinery of government, but must increasingly pass under the dominion of bureaucracy. If we *must* accept these conclusions, we need not be surprised to find the public respect for Parliament continuing to diminish, and the quality of those who seek election to that once august body continuing to deteriorate. For it is clear that our governing machine stands in serious need of more independent and effective supervision and criticism than it now receives, and that the need must become greater as the complexity of government increases; it is clear that bureaucracy is growing rapidly in power, and that its characteristic and inherent defects are not being checked; it is clear that the omnipotent Cabinet is progressively unable to perform with any adequacy the vast functions which it has assumed. And if we are to believe that Parliament, which is the only organ provided by our system for correcting these defects, is quite unable to do so, we may well become pessimistic about the development of the system of government of which our fathers were so proud.

But need we accept this pessimistic conclusion? We have admitted that, without the application of whip and curb by the Cabinet, the House of Commons could not get through its business *as things now are*. May there not be some hope in that qualifying phrase? Is it not possible that the way in which the House of Commons carries on its work is not a good way, or a businesslike way? Does the House perhaps fail to draw the distinction, which clearly ought to be drawn,

between the kind of work which can usefully be done by a very miscellaneous assembly of 615 members, and the kind of work which could be better done by smaller bodies, Committees of one sort or another? Does it possibly waste a good deal of its time, which is all too short for the business that has to be done? Is its procedure possibly cumbered with antiquarian and time-devouring formalities, which could be dispensed with or simplified? Is it, perhaps (like the Cabinet), so jealous of its all-embracing authority that it tries to do everything, fails to delegate where delegation is both possible and advantageous, and so leaves itself at the mercy of its masters, who know how to use the plea of 'pressure of business' as a means of avoiding inconvenient discussions? Until these questions have been decisively 'answered in the negative,' we need not abandon hope of seeing the representative body of the nation in possession of an effective power of control over the nation's Government.

Those who have spent much time in the gallery of the House—especially at times when the Government of the day has a clear majority—will not carry away the impression that the House of Commons is a body overburdened with important and difficult duties. If they have the good luck to strike a Budget night, or a 'full-dress debate' when the leading men on the front benches rise one after the other, they will indeed see a crowded and interested House, filling for the big speakers and emptying for the others—but not doing anything but listen. On most ordinary evenings, once question-time is over, they will see forty or fifty men and one or two women sprawling here and there on the benches, listening to—no, not as a rule listening to, but enduring—a speech from one of their number, while waiting for an opportunity to make speeches of their own. There will be other members in the House: some in the lobbies writing letters, others in

the library hunting out references for a speech or preparing an article, others in the smoke-rooms chatting or playing chess, others in the dining-rooms or on the terrace entertaining visitors; none of them paying any attention to the debate, but all waiting to record their votes without having heard the arguments. There will also be others in clubs within call, or dining with friends, or at the theatre; they will come in towards the end of the evening, ready to take part in divisions, having been told by their Whips that the discussion will be carried on until such an hour, when a division will take place: sometimes the discussion has to be artificially prolonged, in order to fulfil these promises. The debate itself will usually be found a very dreary affair: rarely a good speech will be heard, which may possibly raise a point that the Minister in charge of the Bill has not thought of, and perhaps persuade him to accept an amendment; but often the speeches are solely meant for the reporters in the gallery, their purpose being, not to contribute to the solution of a national problem, but merely to impress distant constituents with the activity of their member. Nearly all the speeches are much too long, especially those from the front benches; for even the least important of ex-Under-Secretaries thinks it beneath his dignity to speak for less than half an hour. Then will come the division, the result of which is nearly always known beforehand: the absent members pour in from the smoke-rooms and elsewhere, and march through the division-lobbies, taking a quarter of an hour to record a foregone conclusion.

Possibly our visitor may strike an evening upon which a final block of Estimates is being taken, and many millions of the taxpayers' money are being voted away. He will hear a miscellaneous discussion on many little points, none of them (as a rule) of first-rate importance, but he will hear no discussion of the work

of the Department under review. There may be several divisions during the evening, each taking a quarter of an hour. Then the closure will be moved, which means that all the remaining votes are to be decided upon without discussion. Everybody knows that the closure will, and must, be carried; but there will probably be a division upon it, taking a quarter of an hour. Then the remaining votes will be put from the chair, one by one. Everybody knows they must be carried; nobody wants to reject them. But a division is challenged on each in turn, and the members spend the hours of the night in marching through the lobbies over and over again. What is the reason for this childish and humiliating proceeding? It is that the record of the divisions in which he has voted is the only evidence that a member has attended to his parliamentary duties; his opponents in his constituency will make things hot for him if he does not show a good record; and therefore, by general agreement, a large number of quite useless divisions, each occupying a quarter of an hour, are taken on certain suitable occasions, to help slack members to make a decent figure. If there be any member so foolish as to despise these devices, and absent himself from this futility, he may pay for it when the next election comes.

The visitor who has sat through, not one of the big debates, but such an evening as we have described, will come to the conclusion that the House of Commons might quite conceivably make a better use of much of its time. But how can it be persuaded or enabled to do so?

In any attempt to answer this question there is one important consideration which must not be forgotten. The members of the House of Commons cannot be expected to give their whole time to its work. Most of them have other work to do: they are barristers, journalists, business men, bankers, Trade Union

officials, and so forth. And this is as it should be. The function of the House of Commons is to criticise the work of government from the point of view of the ordinary working life of the country. If the House consisted of 'professional politicians' it would be badly constituted for its work. The salary of £400 a year which is paid to members does not turn them into professional politicians; it is barely sufficient to compensate them for the additional expenses which membership involves, and the great majority of members have to face a real sacrifice when they are elected. Accordingly the work of the House has to be arranged with reference to the other claims upon the members' time.

On four days of the week—Monday to Thursday—the regular proceedings of the House begin at a quarter to three, and last until eleven or a little later, though on some occasions they are prolonged far into the night. The most important business, and most of the divisions, are usually taken in the evenings, after the working day is over. On Fridays business begins at eleven, in order that it may be wound up in the afternoon, in time to let members get away for the week-end, to their homes or their constituencies. Even with these arrangements, the member who is always in his place in the House will have spent at least a 'forty-eight-hours week' in attendance. But there are few who do this. It is reasonable that the average member should absent himself from time to time, when no business in which he is specially concerned is under discussion: how else could he attend to his own affairs, or meet the demands of his constituency and of his party, or even keep himself abreast of the course of public affairs outside Parliament? In recent years important Committees have been held in the mornings. They can only be regularly attended by those who are able to give almost their whole time to parliamentary

work. The more this practice is extended, the more the House will tend to be filled with whole-time or professional politicians; and this is not desirable; it would destroy the character of the House.

There is only one way of dealing with this difficulty. It is that the ordinary member, while of course playing his part in all big discussions on questions of principle, should, in matters of detail (which fill the greater part of the time of the House), be encouraged and enabled in some degree to specialise. Only in this way can the great fund of varied knowledge and experience which any House of Commons contains be adequately used for the service of the nation. The existing arrangement of business does not make this possible, but it should be the guiding principle in any attempt to improve the procedure of the House.

The work of the House of Commons falls into four blocks. The first consists of questions addressed to Ministers, which occupy the first hour at each session. We have already said something on this head, and it need not occupy our attention further. The question-hour has now been organised in what seems a satisfactory way, and, as every questioner is assured of an answer, in writing if not orally, the provision made seems to be adequate. The only reform that seems to be needed is the devising of some means of checking the professional questioner, who asks his maximum number of questions every day, not so much for the purpose of eliciting information as of advertising himself; and, by doing so, prevents later questioners from obtaining an oral answer, which would allow useful 'supplementary questions' to be asked. But this is a point of minor importance.

The second great block of business is legislation, including the approval of Orders and Regulations issued by the Departments. The third is finance and the detailed criticism of the work of the Departments.

The fourth is general discussions on matters of immediate policy. We shall discuss these three categories in order, first examining, in each case, the way in which the business is now managed, and then inquiring how, if at all, it could be improved.

II. *The Legislative Work of the House of Commons*

The legislative work of the House of Commons may be divided into four classes. First come the Public Bills proposed by private members—'Public Bills' meaning Bills which will alter the general law of the land, and affect the whole community. Next come the Public Bills initiated by the Government: these, together with financial business, occupy the major part of the time of the House. The third class consists of Private Bills—that is, Bills which affect the interests only of a section of the community, such as the Bills promoted by Railway Companies or by municipalities. The fourth class consists of the Orders and Regulations, having the force of law, which are issued by various Departments, and which are supposed to have the sanction of Parliament, though they are seldom discussed.

1. *Private Members' Bills.* We have given the first place to Private Members' Bills because they are the only relics of the independent legislative power of Parliament, the only reminder of the days when most Bills were introduced by private members. To-day they are of negligible importance. So far as practical results are concerned, the time devoted to them is merely wasted, for no private member's Bill has a chance of passing unless the Government takes it over, which it practically never does. The time devoted to them is useful only as a means of ventilating ideas that would not otherwise be discussed. Under the Standing Orders Fridays are used for this purpose—Friday being a day

when the attendance is small, because many members are hurrying away to their business in the country. But in the later part of the session, when pressure of business is becoming severe, the Government usually annexes Fridays for its own work. The right of introducing a Bill is determined by what is called a 'ballot'—the members who want to introduce Bills put down their names, and the order of priority among them is fixed by lot. Only the first few names on the list have any chance of having their Bills discussed. Most members put down their names, not because there is any specific proposal which they are particularly anxious to propose, but rather because they want the advertisement of having 'introduced a Bill'; and when a member has the luck to get a high place in the ballot, he will often be heard asking his colleagues, or his party Whips, for suggestions as to what he should propose.

The existing arrangements seem to have little to recommend them: their chief result is a great deal of idle and resultless talk on Fridays. But it would be a pity to abandon the last trace of independent initiative in legislation that survives in the House of Commons. Moreover, if we are to contemplate a balance of parties as the normal state of things in the future, there is much to be said for giving to the non-Government parties an opportunity of putting forward their proposals in definite legislative form, and for affording to special groups in the House a similar opportunity; and the time allowed for private members' Bills might be usefully employed in this way. In 1924 the miner members, forty-three in number, all balloted, on the understanding that if any of them had luck in the ballot he should introduce a Bill embodying the official proposals of the Miners' Federation for the re-organisation of the coal industry. This led to a useful and illuminating discussion; and it would have been very

unfortunate if—as might easily have happened—the luck of the ballot had gone against the miners, and fallen exclusively to members who had nothing definite to advocate, but merely wished to introduce a Bill in order to say that they had done so.

It may be suggested, therefore, that the procedure on private members' Bills should be amended, and turned into a really useful element in the work of the House, by some such provision as the following. At the beginning of each session a Committee representing all parties in the House should be set up—possibly the Committee of Selection, which now chooses the members of other Committees, would serve the purpose. To it any member, or any group of members (this would include the leaders of a non-Government party) should be entitled to send, not merely the title, but a précis of the heads of a Bill which he or they wished to introduce. The Committee should choose the Bills which were in its opinion most deserving of discussion. Successive Fridays should be devoted to debates on the Second Readings of these Bills. Those which were carried by a sufficient majority—say two-thirds of those present—should then stand referred to one of the Standing Committees of the House for detailed consideration, and in due course should come before the whole House—not necessarily on a Friday—for the Report stage and a Third Reading. Not many Bills would stand this ordeal. But the possibility would be there, and it would not depend wholly upon the will of the Government. Some element of the independent initiative of the House of Commons in legislation would be restored without invading the primary responsibility of the Government for all the main legislative work of the session.

2. *Government Bills.* These, which occupy nearly all the time that the House is able to devote to legislation, are of two kinds: in each session there are a few

Bills that represent the constructive policy of the party in office, modified by the practical knowledge of the Departments concerned; and there are a number of Bills, often described as 'non-controversial,' which are really proposed by the Departments, though fathered by the Cabinet. Many, perhaps most, of these Bills nowadays contain a clause or clauses conferring upon the Department concerned subordinate powers of legislation by Order or Regulation; these ought to be carefully watched.

All these Bills—indeed, all Bills whatsoever—have to go through the same stages. There is a First Reading, which is purely formal, and might be abandoned without loss; after which the Bill is printed and circulated to members. Then comes the very important Second Reading debate, in which the principles and aims of the Bill, and its more outstanding proposals, are discussed. The time to be allotted to this debate is usually fixed beforehand by the Government, after consultation with the Whips of the other parties. When a Government has no majority, the Whips of the other parties are likely to insist upon a fuller allowance of time, on a controversial Bill, than the Government would like, and the Government will have to give way. It is important that, in these debates, every member who has anything material to say should have an opportunity of saying it. Unfortunately many members are crowded out because the available time is filled by long-winded and repetitive speeches. The 'front-benchers' in all parties, who have a sort of presumptive right to be heard, and who often seem to think that their importance is measured by the length of their speeches, are the worst, but by no means the only, offenders. There is no limit to the length of speeches; and the only protection available is the power vested in the Speaker to call a member to order for irrelevance or repetition. It is

much to be desired that there should be some restriction of the length of speeches, capable of being elastically applied.

The passage of the Second Reading of a Government Bill is a matter of course when the Government has a majority. It would not be quite so much a matter of course if the Government had no clear majority, and therefore the discussion would become more important. Even if a Bill were defeated on Second Reading, that should afford no reason for the Government's resignation, unless the Bill was the fulfilment of a very formal pledge given to the electors. In any case, the non-Government parties are not likely often to refuse a Second Reading to a Government Bill; they will prefer to try to reconstruct it according to their ideas in the Committee stage.

The Committee stage follows the Second Reading, and is the most time-devouring part of the process of legislation. The Bill has to be taken clause by clause, and hundreds of amendments are submitted. In recent years, the majority of Bills, especially those which are non-controversial, have been referred to one or other of six Standing Committees, each consisting of sixty or more members, or to a Select Committee chosen for the purpose. These Committees usually meet in the mornings. But in the case of important and very controversial Bills the House has hitherto always insisted that they should be dealt with in a Committee of the Whole House—that is, in an ordinary session, which differs from other sessions only in the fact that the rules of procedure are not so strict, and that the Speaker vacates the Chair, and the task of presiding falls to the Chairman or Deputy-Chairman of Committees.

Even in a Standing Committee, and still more in a Committee of the Whole House, it is very difficult to get through all the clauses of a long Bill, and all the

innumerable amendments, within a reasonable time, and much depends upon the tact and skill of the Minister in charge of the Bill. The work is simplified by the power given to the Chairman to select, from a number of amendments bearing on the same point, the one which he judges to deal most clearly and effectively with the question. Tedious discussions are abridged by the Closure—a motion that the question be now put, which, if accepted by the Chairman, is put without discussion, and if carried is followed by an immediate vote upon the clause or the amendments under discussion. But even this is often not enough, especially in Committee of the Whole House; and, after a time, Government will often propose a system of 'Closure by Compartments,' popularly known as the Guillotine, under which a certain number of clauses, with all the amendments upon them, must be disposed of within a certain time. The almost invariable result is that the time is all swallowed up on the earlier clauses or amendments, and the remainder are voted through without discussion, by the force of the Government majority. This is a highly unsatisfactory method of procedure, because it means that many objectionable things may slip through without even being discussed. All Governments use it, when they can; all Oppositions object to it, and often prolong the discussions on the earlier clauses of the compartment in order to be able to say that the later clauses have been forced through without discussion. A minority Government, therefore, will seldom be able to use the Guillotine, and never so freely as a Government with a majority. If minority Governments are to become common, some more satisfactory method will have to be discovered. But this is, in any case, necessary, if the control of the House of Commons over legislation is not to become almost farcical.

The difficulty arises mainly when Bills are discussed

in Committees of the Whole House: partly because these are usually the most controversial Bills; but still more because a Committee of the Whole House—a Committee of 615 persons who come and go, and few of whom are at any given moment present at the actual discussion—is the worst imaginable means of seriously discussing the details of a Bill. Everybody is prolific in amendments, because everybody likes to have the credit of having proposed them. Speeches are needlessly long-winded and tedious, because they will be reported in Hansard, whereas Hansard does not report the speeches in Standing and Select Committees. The same points are repeated over and over again, partly because the members are determined to fire off their prepared harangues, but also because they often drift into the House and out again, and do not know that all their points have been made already.

It ought to be possible to bring to an end this dreary and often fruitless waste of time, which not only does not contribute to make legislation efficient, but often results in its being adopted without adequate consideration. No Bills, however important, ought to be discussed in Committee of the Whole House: the Whole House has its appropriate opportunities of discussion, first on the Second Reading, and then, on the Bill as amended, at the Report stage and on the Third Reading. These ought to be sufficient; and the work of detailed consideration and amendment ought to be entrusted to those members who have special qualifications for dealing with the subject of the Bill.

Even the Standing Committees are too large—their minimum membership is sixty, but this number may be considerably increased. It is, of course, essential that every point of view should be represented; but a Committee of thirty (with the possibility of additional members) should be enough for this purpose, and a

body of this size would do the work better—if for no other reason, because there would not be so many people anxious to hear their own voices. The Committees should perhaps be more numerous, so that a number of Bills—Private Members' Bills as well as Government Bills—might be discussed concurrently.

As for the plague of amendments, this is always less serious when a Bill is discussed in a real Committee than when it is discussed in Committee of the Whole House, because the opportunities of self-advertisement are not so great. There need be no fear that they would be insufficient in number. The political parties, and various special groups, are in the habit of drawing up the amendments that they think necessary, and they could always be sure of representation on the Committee. The right of any member to move an amendment to any Bill cannot, of course, be impaired. But it might be open to any member to be present during the discussion of any clause which he wished to amend, and to explain the purport of his amendment to the Committee if he so desired. It would be a useful provision that a record of the attendance of all members at all Committees of the House should be kept, and published at intervals. This would be a far better evidence of the members' attention to their parliamentary duties than the division lists.

The adoption of these methods would increase the efficiency of legislation, and reduce the waste of time which now takes place. But it would not remove another serious defect which results from the present methods of discussion—the chaotic and unintelligible form in which Bills now often emerge from the Committee stage, to become subsequently the cause of bewilderment to the ordinary citizen, and to the law-courts which have to interpret and enforce them. One remedy for this would be that there should be attached to each Committee a skilled parliamentary

draftsman. It would be his duty to redraft each clause, or group of clauses, as the Committee completed it, incorporating the substance of the amendments adopted, but not necessarily using their precise words, or keeping them in the precise place where they were inserted. He would report the result of his work to the Committee for its acceptance; and thus the Bill would emerge in an intelligible and workmanlike form. This is the kind of work which draftsmen do in the preliminary stage when a Bill is being incubated; the same kind of work is needed when it is being reconstructed in Committee.

Finally comes the stage when the Committee Reports its completed work to the House. There is another general debate on the amended Bill; final amendments can be inserted; and then, after a Third Reading, the Bill passes to the House of Lords.

It is suggested that the procedure here described would not only save much time, but would ensure far more efficient legislation, ensure that every Bill was fully considered, draw an intelligible distinction between discussions on broad issues which are proper to the House as a whole and discussions on detail which should be left to a smaller body, and restore the effective control of Parliament over the legislation put forth with its authority. The system would work as well under a minority Government as under a majority Government. Perhaps it would work better; because under a minority Government—especially in a House elected by proportional representation—party feeling would not run so high, and the members of a Committee would feel a higher sense of responsibility for their work when they were not arrayed against one another as a dictatorial majority and a fighting Opposition.

3. *Private Bills.* Bills are constantly promoted by public companies (such as Railway or Gas Companies,

whose powers have been conferred upon them by Statute), or statutory authorities (such as the Port of London Authority), or local authorities, who desire to have special new powers conferred upon them. In these cases a special procedure is followed. The Bill cannot be introduced (under the Standing Orders) until all persons interested (such as landowners whose land a railway proposes to acquire) have been duly notified. Normally it will be given formal First and Second Readings by the House, unless some new principle is involved which, it is felt, ought to be dealt with by a general law. It is then referred to a Private Bill Committee, usually consisting of four members of the House, before whom the promoters of the Bill and those who are opposed to it appear through counsel, and evidence is taken. The proceedings, in short, are rather judicial than legislative in form; they are an inquiry rather than a debate, and the members of the Committee act as impartial judges. Private Bill procedure is exceedingly costly, mainly because of the extremely high fees charged by counsel, and the cost of expert witnesses, etc.

During the last generation many questions which would formerly have been dealt with in this way have been transferred to the appropriate Departments of Government, which hold a local inquiry, and then issue a Provisional Order, which has to be subsequently confirmed by Parliament. Thus, for example, if a municipal borough wants to extend its boundaries, instead of promoting a Bill for the purpose, it can apply to the Ministry of Health, which will institute a local inquiry and hear all objections before issuing a Provisional Order. One of the advantages of this method is that the Department concerned can ensure that certain general principles are observed in all cases of the same kind, and that the general laws are not departed from without very good reason. The Private

Bill Committees cannot well do this. It has therefore been found necessary to set up a Standing Committee of the House of Commons on local legislation, whose business it is to ensure that the proposals embodied in local Private Bills do not deviate unnecessarily from the provisions of the general law on the subject. But this work also, it would seem, could be far better done by the experts in the Departments, provided (the proviso is important) that they did not have the last word.

In short there are strong reasons for believing that the very costly and time-devouring procedure of the Private Bill Committees might be wholly brought to an end and replaced by inquiries held by the appropriate Departments, to be followed by Provisional Orders which would be subject to the approval of Parliament. This would have the effect not only of saving a great deal of money to the bodies which now have to promote Private Bills; it would also bring the grant of powers to these bodies under a coherent and systematic review; it would release the members of Parliament who now spend laborious hours upon work of a highly technical kind for which they are not necessarily well fitted; and it would save an appreciable amount of parliamentary time now spent upon the formalities attending the process of Private Bill legislation.

But if these additional legislative powers are to be conferred upon the Departments, it is essential to make sure that the Departments shall have merely the initiation and the shaping of these proposals, not the final decision upon them. It is not enough that a Provisional Order Confirmation Bill should be introduced and run through all its stages without debate, as now often happens; it is necessary that the Orders themselves should have been examined beforehand, not by the House as a whole, which is not likely to

take such work seriously, but by some competent Committee acting on behalf of the House, whose favourable report would be an assurance that the House was justified in giving its assent, but whose refusal to approve would almost certainly lead to a 'reference back.' But in discussing this possible amplification of the powers wielded by the Departments, we are already approaching the fourth block of legislative work which falls upon Parliament—namely, the supervision of the functions of subordinate legislation exercised by the bureaucracy.

4. *Confirmation of Orders, Regulations, etc.* In a previous chapter (pp. 59-63) we have laid stress upon the extraordinary recent development of what we have called 'administrative legislation,' by means of clauses in various Acts of Parliament conferring upon 'the Minister' of this Department or that the power of issuing Orders which shall have the force of law; and, following the distinguished lead given by the Lord Chief Justice, we have pointed out the great danger of allowing this process to go on unchecked. It may appear to the reader that we have been inconsistent in urging, as we did in the last section, that these Departmental legislative powers should be immensely increased by adding to them all the work now done by the Private Bill procedure of Parliament. But the objection is not to the performance of this work by the Departments: though in some instances it may have been extended too greatly, this work is a very great relief to Parliament, and, in the first instance, it can undeniably be best done by the Departments, which have command of all the requisite technical knowledge. The objection is that this work is either wholly uncontrolled, or very imperfectly controlled, by the supreme legislative authority by which it is delegated; and in proportion as this control becomes unreal, the dangerously independent power of bureaucracy increases.

The enormous volume of subordinate or administrative legislation which is now enacted every year falls into three categories, according to the degree to which Parliament has (generally without realising what it was doing) abdicated its own theoretical supremacy.

(1) In the first place, there are Provisional Orders, which are issued after an inquiry, and have to be subsequently confirmed by an Act of Parliament. These largely deal with cases which used to be dealt with by Private Bills; and if the suggestion we have made in the last section were adopted, the number of Orders of this type would be greatly increased. In theory Parliament exercises full control over Orders of this type, seeing that they have to be confirmed by a special Act. But when such an Act is introduced with the authority of the Government, the House of Commons, which has so much else to do, usually passes it through all its stages without criticism, unless some member has special reasons for objecting to it. The House is not a suitable tribunal for re-arguing questions of this kind. It would be much better if every Provisional Order could be examined by a suitable Committee of the House before being submitted to it. This would not exclude the possibility of an objection being raised in any particular case, but it would give a real assurance that the matter had been considered, and that the authority of the House was not being too lightly given.

(2) In the second place, there are Orders or Regulations issued under the authority of clauses in Acts of Parliament, and required to 'lie on the table' for a prescribed period. In some cases they do not come into force until the prescribed period has elapsed without objection being taken; in other cases they come into force at once, but may be invalidated if an objection is taken and upheld. An example of this type of Order is a wage-rate for a particular class of

workers made by a Trade Board, and endorsed by the Ministry of Labour. It is nobody's business to draw the attention of the House to these Orders, or to initiate a discussion on them. The Minister of the Department concerned naturally desires that they should pass quietly. Some of them are not very important, but others affect the interests of large sections of the community. It is wrong that these enactments should receive the authority of the House without ever being considered by it, or by anybody on its behalf. But they are very numerous, and likely to become more so. It would be impossible to find time for any discussion of them by the House as a whole. The only feasible way of meeting the difficulty is that some competent Committee of the House should consider them, if possible before they are 'laid on the table,' and direct the attention of the House to them if they seemed either to exceed the powers vested in the Department, or to use these powers unwisely. This would at least provide some assurance that the matters dealt with had been independently considered, and not left to the absolute discretion of the Department; it would be a real and effective check upon the growth of one of the most dangerous aspects of bureaucratic power.

(3) In the third place, there is a large number of Orders, etc., which are not even required to be 'laid on the table,' but obtain the force of law by the mere fiat of 'the Minister,' and this, of course, means the Department. Clauses giving this unqualified power should never be allowed to pass. They probably would not have been allowed to pass if the legislative procedure of the House had been efficient, and if the ruling majority had not been too ready to assume that whatever was endorsed by the Cabinet must be right. They will probably be much more carefully watched if the legislative procedure is improved, and if the

dictatorship of a majority Cabinet disappears. Then, and not till then, will bureaucracy be brought under proper control. But something ought to be done to rectify the mistakes already made, and especially those extraordinary cases in which the Department has actually been given power to alter by Order some of the provisions of the Act under which the Orders are issued. The House of Commons ought to institute an inquiry into all cases in which the power to issue Orders has not been made subject to the ultimate control of Parliament, and ought to pass an Act rescinding or amending all such clauses, and requiring that all such Orders should 'lie on the table' for a prescribed period, and be dealt with in the way suggested above, or in some other way. Equally it ought to investigate the cases in which 'the Minister' has been given power to settle disputed points in such a way as to deprive the persons concerned of any chance of defending their rights in a Court of Law.

We have suggested that all these very numerous Orders of various types should be examined by Committees of the House. But what Committees should they be? Manifestly they cannot be the Standing or Select Committees that deal with Bills: these already have their hands full. Should there be a single Committee to deal with all Orders, just as there has been a single Committee to deal with all local legislation? This would be impracticable, because not only the number, but the range and variety of these Orders are so great that no Committee could deal with them all satisfactorily; the work would be tedious, and it would be perfunctorily done. In dealing with this class of Administrative Legislation, we must recognise that it lies on the margin between legislation and administration. It could therefore best be dealt with by bodies that had some knowledge of, and were in touch with, the administrative work of the Depart-

ments. In the next section we shall see that such bodies are needed on other grounds. Without anticipating the argument on that head, it may be suggested that Committees of the House which will be in contact with the work of the Departments concerned are the proper bodies to examine and review the subordinate legislation for which these Departments are responsible.

We have now surveyed the four different types of legislative work carried on in the House of Commons, and have suggested improvements of procedure, not drastic but substantial, in regard to each of them. The effect of these changes, taken as a whole, would be materially to reduce the amount of time expended upon legislative work by the House as a whole, limiting it to the discussion of general principles, while giving to all or most of its members an opportunity of taking an effective part in the work of detailed amendment in the Bills in which they were most interested; at the same time, the work would be more carefully and less slovenly done, and an effective but not unduly burdensome control would be established over the subordinate legislation entrusted to the Departments.

III. *The Control of Finance and of Administration*

We have next to consider the work of the House of Commons in the sphere of finance, and in the detailed control of administration—the control of the broad policy of the Government being otherwise dealt with. It is impossible to separate these two functions, control of finance and control of administration; because it is the fact that it has to find the money for all the work of all the Departments which gives to the House its ultimate authority; and, as we have repeatedly noted, the discussion of the Estimates provides the only opportunity for detailed criticism. The control of

finance is the unshared prerogative of the House of Commons; in this sphere, unlike that of legislation, it does not share its power—or its responsibility—with the House of Lords. All the more remarkable is it, therefore, that of all the functions of the House of Commons this is the least efficiently performed. When it deals with legislation, if it does not initiate, it does at least substantially alter, the Bills submitted to it, and often makes a mess of them. When it deals with the general policy of the Cabinet, as we shall see, its debates, even if not leading up to any definite resolution or decision, exercise a very important influence. But when it deals with the all-important subject, its own special subject, of finance, it seems to be almost impotent. Why is this, and how can it be altered?

The procedure in regard to finance is elaborate, and has been fixed by long tradition. In the autumn of each year the Departments prepare their Estimates for the coming year (April to March). They do not merely set down a lump sum: they have to go into great detail, so much for this purpose and so much for that, and their completed Estimates are very elaborate and complicated documents. The Estimates are then closely examined and revised by the Treasury, which is the chief watch-dog against extravagance. They are then laid before the Cabinet. The Cabinet cannot possibly discuss them in detail. But if it is in an economising mood it may demand that this Department or that shall reduce its Estimates by so many millions—a demand that is likely to lead to hot discussion. Finally, the Estimates are laid before the House of Commons.

The House of Commons has three duties to perform: (A) It has to examine the Estimates, and pass every separate vote: it is supposed to satisfy itself that every branch of national administration is carried on efficiently and at the least possible cost—an under-

taking which is impossible unless it is able to examine closely the working of each Department. (B) It has to provide the needful funds for the purpose, and to decide whether new taxes should be imposed or old ones remitted. (C) It has to review the whole financial position of the nation. For these purposes it resolves itself into Committees of the Whole House—it becomes a Committee of Supply when it is reviewing the Estimates and deciding how much is to be spent on this or that; it becomes a Committee of Ways and Means when it is considering how the money is to be found. The House and the two Committees are of course the same body, except that the Speaker is in the Chair when the House is sitting, and the Chairman of Committees is in the Chair when either of the Committees is sitting. The House passes back and forth from one of these incarnations to the other in a way that must often be bewildering to the uninstructed observer in the gallery. Once a year, as soon after the end of the financial year (March 31) as possible, the Chancellor of the Exchequer, in the Committee of Ways and Means, takes a general view of the financial position in his Budget Statement, which is followed by a general discussion: he reviews the income and expenditure of the last year, anticipates the probable income and expenditure of the next year, and sets forth the proposals for increase or reduction of taxation which he intends to ask the Committee of Ways and Means to approve.

The work of these two Committees—Supply, and Ways and Means—goes on at intervals, mainly during the spring and summer, but also at other times; for, besides making the main provision for the year, the Committee of Supply will have to deal later with Supplementary Estimates; and the Committee of Ways and Means may have to make provision for additional outlay required by some Act of Parliament—

an Act by itself is not sufficient for the purpose; its financial provisions always have to be specially endorsed in the traditional way. The final outcome of the work of the Committee of Ways and Means is the annual Finance Act, which defines the taxes for the year, and may include many provisions of a financial character, such as rules for the assessment and collection of Income Tax. The final outcome of the work of the Committee of Supply is the annual Appropriation Act, which defines in great detail exactly how much money may be spent by each Department for this purpose or that.

All the revenue collected under the Finance Act, as well as other taxes which are levied under more permanent Acts, and indeed all revenues accruing to the Government, are paid into the Consolidated Fund, in the Bank of England. Not a penny may be drawn from the Consolidated Fund by any Department for any purpose not authorised by the Appropriation Act. If the money voted for any purpose has not been spent by the end of the year, it may not (with a few special exceptions) be used for any other purpose in the same Department, nor may it be handed over to the next year: on March 31 all balances of this kind are paid over to the Sinking Fund for the reduction of the National Debt. It is the business of a high official, known as the Comptroller and Auditor-General, who is as independent of the Government as any of the judges, to see that these rules are observed to the letter. He draws up a detailed report for each year, which goes to the House of Commons and is by it referred for examination to a Standing Committee known as the Committee of Accounts. It takes about two years for this report to be prepared, so thoroughly is it done. But it ensures absolutely that not a penny is spent for any purpose for which the House of Commons has not specifically voted it.

On the surface this elaborate system might seem to provide adequate safeguards against the waste or misuse of the national revenues. And in one respect the safeguards are entirely adequate: there is absolute assurance that the money is spent exactly for the purposes for which the House of Commons has voted it, and that no money is spent which the House of Commons has not voted. But the real question is: Does the House of Commons genuinely and efficiently perform the vitally important functions assigned to it in this scheme, or does it perform them only in a perfunctory and nominal way? Does it really decide what taxes are to be raised? Does it really review and understand the financial position of the nation? Does it vote the Estimates, knowing exactly what it is doing and why it is doing it—or, in other words, does it really control the work of the Departments, and ensure that they are both efficiently and economically carried on?

In regard to the voting of taxes, the answer is reassuring. The House of Commons *does* control the taxes that are imposed upon the country, so far as the Cabinet (when it has a majority) allows it to do so. It is true that no ordinary member of the House, but only the Cabinet, may propose any taxes; the House may only reject or reduce them. But this is a sound provision, which makes for economy, and it is necessary as a means of driving home the responsibility of the Cabinet. It is true, also, that when the Cabinet has a big majority it will usually be able to carry the taxes it proposes. But this is not always so. For example, in 1928 the omnipotent Baldwin Cabinet, with its exceptionally docile majority of two to one, proposed a tax on light oils, which would have increased the cost of kerosene in every cottage. The House of Commons compelled it to withdraw the kerosene tax, and to find other means of financing its expenditure. The House thus can and does condemn some bad and unpopular taxes,

and force the Cabinet to find alternatives. The Committee of Ways and Means, in which this work is done, is a suitable body for the purpose: it is a Committee of the Whole House, but the Whole House is interested in the taxes that have to be paid by the whole community, and therefore the discussions are real discussions. It may be said that if there was not a Government majority, the House might irresponsibly cancel taxes, and leave the Government without sufficient means to meet its obligations. But the House is a responsible body. It authorises the purposes for which the money is to be spent, and recognises that it must find the means for meeting this expenditure. A refusal of funds would be a legitimate ground for a Cabinet's resignation; and those who brought it about would know that they would have to face the problem themselves if they succeeded to office.

To the second question—whether the House of Commons obtains an adequate view of the financial position as a whole—the answer is much less satisfactory. It does not and cannot do so, because neither the annual Budget Statement nor the Accounts and Estimates provide it with the means of doing so, owing to the way in which the accounts are kept. No business man—especially in these days, when a proper system of accounting is held to be indispensable to efficiency—would for a moment permit the accounts of his business to be kept and presented in the way in which the accounts of the immense business of the nation are kept and presented. They are purely what a business man would call "cash accounts": they simply show how much money came in during the year, and how much went out, but they do not distinguish between what is properly due to the year's working and what is really due to other years. In the year 1926–7, for example, receipts to the extent of £47,000,000 were

included, some of which were an anticipation of the revenue of the next year, while most of them represented arrears of revenue from many previous years. What is worse, no clear distinction is drawn between income account and capital account: thus, for example, £600,000 for the sale of shares in the British Dyestuffs Corporation was entered in 1926–7 as part of the revenue of the year, because the cash came in during the year; while the money spent, say, by the Forestry Department upon buying land and planting it with trees is entered as part of the expenditure of the year, though it represents a capital investment which will yield a remunerative return in the future. No distinction is drawn between two vitally different forms of 'debt.' If we spend £50,000,000 of borrowed money in a war, that is a 'dead-weight' debt, upon which we shall have to pay interest until the capital is wiped out, and get nothing in return. But if the Post Office spends (as it often does) £50,000,000 of borrowed money upon telephone installation, it is making an investment upon which it will get a very profitable return, far more than sufficient to pay the interest on the loan; and it is adding permanently to the wealth of the nation. No distinction is drawn between these very different forms of capital outlay, one of which burdens, while the other enriches the nation; they are confused in the accounts, because both represent the expenditure of borrowed money on which interest has to be paid.

The result is that it is extremely difficult to get from the national accounts any clear ideas as to the exact financial position of the State; and it will not be possible to deal with that vitally important question in a business-like way until the accounts are put upon a business-like footing. We ought to have, every year, not only (what we get now) a cash account of the money actually received and spent during the year; we ought

also to get an Income and Expenditure account, showing what the real income on the year's working was; and we ought to get a proper Capital Account, distinguishing clearly between dead-weight debt and revenue-earning investment.

Even more unsatisfactory are the Accounts and Estimates of the separate Departments. They show exactly how much is to be spent, or has been spent, under each head. But they do not show the cost of services rendered by other Departments, so that it is never possible to tell exactly how much any particular service is costing the nation. For example, about one-third of the actual cost of running the Foreign Office and the Colonial Office does not appear in the Estimates of these Departments, but is scattered over the Estimates of other Departments, such as the Post Office. The result is that while the Accounts and Estimates are perfectly adequate for the purpose of deciding whether more money has been spent than has been voted, they are of practically no use for the purpose of testing whether the Departments are being efficiently and economically worked. In 1918 a Parliamentary Committee held an inquiry into the working of the system, and heard a great deal of evidence. One witness, who had been Accounting Officer to the Ministry of Munitions, went so far as to say that the Estimates furnished to Parliament were not worth the paper they were written on from the point of view of parliamentary control; and this was the conclusion at which the Committee arrived. Sir John (now Lord) Bradbury, the Permanent Secretary to the Treasury, pointed out that "the control of expenditure, in the sense of securing that the various public services are efficiently administered at a reasonable cost, was no part of the object which the framers (of the scheme of parliamentary grants) had in view." That is, no doubt, true: the aim of the scheme is to ensure that

the money is spent for the purposes for which it is voted, not to ensure that the purposes are right, or well served, or that the money voted is not more than is needed.

It appears, then, that Parliament *cannot* exercise the control over the working of the bureaucracy which it ought to exercise, until the Accounts and Estimates of the Departments are presented in a very different way. Moreover, the difficulty which stands in the way of parliamentary control stands also in the way of Cabinet control (if the Cabinet ever had time to attempt it) or even of Treasury control. This is surely a fact of grave importance, which demands attention. It is, along with the doctrine of ministerial responsibility and the dictatorship of majority Cabinets, one of the main causes of the growth of uncontrolled bureaucratic power.

Even if the accounts of the Departments were presented in the clearest form, the exercise of any effective control over their working must be impossible so long as the House of Commons pursues its present methods of dealing with the Estimates. As a rule, twenty days in the parliamentary year are devoted to the Estimates of a score of Departments, some of which spend tens of millions of pounds, and have enormous staffs performing very varied functions. Custom prescribes that the non-Government parties shall be entitled to say which Estimates are to be taken on certain days. They use these occasions, not for the purpose of examining what the chosen Departments are doing, but for debates on questions of Government policy. They will move that the salary of the Minister of Labour be reduced by £100, in order to call attention to the need of providing work for the unemployed; they will not inquire whether there are too many or too few Labour Exchanges, and whether they are properly staffed. They will move that the salary of the Colonial

Secretary be reduced by £100, in order to call attention to the policy that is being pursued in Kenya; they will not investigate the staffing and functions of the Colonial Office. These debates have their value; but they take up most of the scanty time allowed for one of the most important duties of the House of Commons.

If, by chance, an attempt *is* made to deal with the function of administrative control, and a proposal is made (for example) that the staff of the Admiralty should be reduced to its pre-war numbers, the Cabinet will take this as a vote of censure on itself, and its majority will be called into play to defeat the motion. The Committee which inquired in 1918 into the working of the system of control over the Estimates reported that "there has not been a single instance in the last twenty-five years when the House of Commons, by its own direct action, has reduced, on financial grounds, any Estimate submitted to it. . . . So far as the direct effective control of proposals for expenditure is concerned, it would be true to say that if the Estimates were never presented and the Committee of Supply never set up, there would be no noticeable difference."

This is a very grave situation, especially when we remember how vast is the expenditure of the Departments, how it mounts up every year, how its amount is in reality fixed by the demands of the Departments themselves, and how the independent authority wielded by the officials of the Departments increases every year. Clearly something must be done to deal with this situation, and to give to the representatives of the nation a real and effective, not a merely nominal and inoperative, control over our huge machine of government. But how is this to be done?

It is plain that, even if the accounts were reformed, a Committee of the Whole House—a committee of 615 members who drift in and out—could never tackle this vast and complex task, and could certainly never

tackle it in the few days allotted by Standing Orders to the Estimates. Smaller and more workmanlike bodies, reporting to Parliament, must undertake the task, if it is to be undertaken at all; they must have the assistance of accountancy experts who can make their way through the mystery of the accounts; and they must have full access to all necessary information about the actual work of the Departments. The Committee of 1918 recommended that two or three Standing Committees on Estimates, each having fifteen members, should be set up, and should be armed with these powers; they were to report to the House when it went into Committee of Supply on any block of Estimates which they had been able to examine, and were to make any suggestions as to possible reductions of expenditure which seemed to them desirable. These recommendations have only been carried out in a very emasculated form. One Estimates Committee has been set up, but without expert advice. It cannot possibly tackle the whole vast range of all the Departments, especially while the accounts are presented in the present form. It has accordingly been an ineffectual body.

The reason for this failure to develop a better system undoubtedly is that the Cabinet is exceedingly jealous of any invasion of 'Cabinet responsibility'—even when the Cabinet itself has no time to deal with the problems that need consideration, and would be quite unable to tackle them if it had. So long as the Cabinet wields the dictatorship which a parliamentary majority gives to it, this will prove an insuperable obstacle to any effective system of parliamentary control. And behind the Cabinet is the bureaucracy of the Departments, hating the idea of any meddlesome interference by Parliament, and, probably, thanking its stars that the Estimates are presented in such a form as to make such interference impracticable.

Among the countries that have adopted representative government, Britain stands almost alone in having made no attempt to give reality to the control of the representative body over the details of expenditure, and over the work of administration, in the only way in which this can in practice be done—by delegating the work to committees of workmanlike size who will report to the House. Nearly all parliamentary countries have a committee system for this purpose. The most highly developed systems are those of America and France. Both are open to serious criticism; but that is no reason why we should not have a better system—certainly it is no reason why we should be content to have no system at all.

In the United States there used to be a Ways and Means Committee and an Appropriations Committee of the House of Representatives corresponding to our Ways and Means and Supply Committees, though they were not Committees of the Whole House. But during the last forty years the work of the Appropriations Committee has been divided between nine Standing Committees, each of which deals with the Estimates submitted by one of the Departments of State. These Committees wield immense power: they summon Ministers and Permanent Officials to appear before them and submit to questions in regard to any item of expenditure. As, under the American system, Ministers are not members of the House, and therefore cannot directly influence the proceedings, these Committees with their Chairmen become almost rival Ministers; and as the American system has no such wholesome rule as we have, providing that no expenditure can be proposed except by the Government, the Committees often propose expenditure that is not asked for, besides cutting down the proposals embodied in the Estimates. For these reasons, the system has its defects. But it has at least this virtue,

that the representative body wields a real control over the work of administration, through its series of committees corresponding with the principal Departments.

In France the work of the Chamber of Deputies (apart from big debates on general issues) mainly falls into the hands of a series of Committees, broadly corresponding to the main Departments of Government. To them all Bills are referred for detailed amendment, and they also have a high degree of control over the administrative Departments, having the power to call officials before them and to recommend to the Chamber any changes they may think desirable. The most important of these Committees is the Budget Committee, to which, every year, the Budget prepared by the Finance Minister is referred. For its consideration, the Committee divides itself into sections, and goes through all the proposals in detail, making what changes it thinks fit. The Finance Minister, who is not even a member of the Committee, but may be called before it, has in practice less power over the financial policy of the country than the Chairman or the *Rapporteur* of the Committee, who submits the revised Budget to the Chamber. This system involves an 'undermining of Cabinet responsibility' on a scale which would terrify British politicians. It is partly the cause, and partly the consequence, of the weakness of French Ministries; but it also helps to explain why it is that French policy shows so much continuity in spite of the rapid rise and fall of Ministries. In France the Chamber is the master of the Ministry; in Britain the Ministry is the master of the House of Commons. France has always been regarded as a bureaucratic country, and it frankly and openly is so in many respects. But the French bureaucracy is far more directly and effectively under the control of the representative body than the British bureaucracy now is. Even in America, in spite of the doctrine of

Separation of Powers (according to which the executive should be independent of the legislature), the work of administration is far more effectively controlled by the representatives of the nation than is the case in Britain.

Neither the American nor the French system is suitable for transplantation to this country. We do not desire to see the responsibility of the Cabinet for the general policy of the country so seriously undermined as it is in France. Nor do we wish to see small committees, independent of and unrelated to the responsible Ministers of the Departments, wielding so high a degree of irresponsible power as the committees of the American House of Representatives often do. But we need not, for that reason, despise the lesson which can be learnt from these countries. They have shown that it *is* possible for a representative assembly to exercise a real degree of effective control over the detailed work of administration, such as an overworked Cabinet can never by any possibility exercise. It should be abundantly clear from our argument that some such control is indispensably necessary in our country. If Parliament cannot devise the means of exercising it, and if it cannot at the same time make its control over legislation, both by Bill and by Order, more effective than it has hitherto been, its influence must continue to dwindle. To discover solutions for these problems is essential for the reputation, perhaps even for the survival, of representative government.

Quite clearly, some system of Standing Committees is the only means by which this need can be met. A Committee (or Committees) with a general roving commission over the Estimates at large, such as was suggested by the Select Committee of 1918, is likely to be very ineffective. What is needed is a series of Committees, such as they have in America and in France, concerned with each of the main Departments

of government, and empowered to call for papers and interrogate officials whenever necessary.

But, it will be said, this will involve an invasion of Cabinet responsibility, or of ministerial responsibility. It need not do so, if the terms of reference are limited to the detailed working of the Departments, and the question of the excessiveness or otherwise of their expenditure, excluding all questions of general policy, in regard to which the responsibility of the Cabinet and of the Minister ought to be effective; in regard to which, also, their responsibility can alone be real, for neither the Cabinet nor the Minister can deal with the details of office procedure. But how is it to be secured that the range of the Committees shall be thus limited? Let the Minister, or his deputy, be *ex officio* Chairman of the Committee; and let him have the power, under the Standing Orders by which the Committee is constituted, to exclude from consideration any question which he decides to be a question of policy and not merely of administration. Such a proviso would be a complete safeguard of Cabinet and ministerial responsibility in the only sphere in which it is appropriate or effective. The Minister might abuse his powers, and reduce the Committee to nullity. He would perhaps be apt to do so whenever he was a member of a Cabinet which was supported by a majority, and therefore enjoyed a position of dictatorship. But even then he would hesitate to offend his colleagues on the Committee; and if majority Ministries, and with them the evil of Cabinet dictatorship, should disappear, he would be extremely unlikely to abuse his powers: he would be anxious, rather, to win the confidence and the support of the members of other parties besides his own with whom he would have to work.

Another objection may be raised. Are we to set up, it may be asked, a score of Committees, one for each

Department? And are we to impose upon the already overburdened Ministers the duty of presiding over frequent meetings of these Committees, in addition to all their other tasks? This objection will be valid if the present structure and organisation of the Cabinet are to continue. But in an earlier chapter (pp. 108–115) we have argued that the Cabinet must be reorganised if it is to be equal to its work; and we have suggested, on the lines of the Haldane Committee on the Machinery of Government, a grouping of some of the Departments into natural groups, each Department retaining its identity under its own Minister, but the whole group being presided over by a Chief Minister who would be largely freed from administrative routine, and who would sit in the Cabinet. The Departmental Minister would answer questions in Parliament. The group Minister might well preside over the parliamentary committee. These broad divisions of the work of government would provide appropriate fields for the work of the suggested parliamentary Committees. We found that there are nine main divisions of government. These nine are: Finance, Foreign Affairs, Imperial Affairs, Defence, Justice and Police, Scottish Affairs, Industry and Commerce, Agriculture, and the Social Services.

It would be undesirable to set up a Standing Committee on Finance. The Treasury is not (or ought not to be) a 'spending Department' whose Estimates need review; its chief, the Chancellor of the Exchequer, has his own Committee already—the Ways and Means Committee of the Whole House; and we must at all costs avoid any such invasion of his responsibility as the existence of a Budget Committee has brought about in France. The Foreign Office, and the Indian and Colonial Offices (which in our scheme would be grouped together under the Minister for Imperial Affairs) are also not in any real sense 'spending Departments,' and

they are concerned mainly with questions of policy, and not with administrative detail. For them, also, it may not be necessary to set up Standing Committees of the House of Commons. But the remaining six divisions are all 'spending Departments' on a greater or smaller scale, and mostly on an immense scale; they all have large and growing staffs of officials; they all submit Estimates which stand in need of close and constant criticism. It may therefore be suggested that six Standing Committees, corresponding to these six divisions of the field of government, ought to be set up by the House of Commons.

The establishment of these Committees would afford a very useful field of work for a great deal of varied experience and ability which is now running to waste in the House. It would provide the best hope of securing increased economy and efficiency in administration. It would bring bureaucracy under control, and at the same time save it from deterioration by letting a breeze of healthy and competent criticism blow through the corridors of the great offices. It is pleasant to think, for example, of a group of business men (including a shipowner or two) investigating the accounts of the Admiralty and its methods of procedure. They would not be permitted to discuss the building programme, that being a matter of policy. But they might be found investigating the question of refitments, and asking why they cost so much; or looking into the contracts for this and that; or working out the percentage of administrative expenses to total annual outlay.

The functions of these Committees would in the first instance be two: first, to maintain a continuous review of the work of the Departments with which they were concerned, with full powers of investigation; secondly, to receive the Estimates of these Departments as soon as they were ready, to go through them

in the light of their knowledge, and to draw up a Report which would be placed before the House of Commons when the time came to consider these Estimates.

But there is a third function which would naturally and appropriately fall to them. All Orders and Regulations issued by the Departments under the powers given to them by Statute should be submitted to these Committees. They would be able to interrogate the officials as to the reasons for the Orders. Sometimes, no doubt, they would secure the incorporation of amendments. Then, when the Orders were either embodied in a Confirming Bill, or 'laid upon the table' in Parliament, they would be accompanied by a brief explanatory note from the Committee. If dissatisfied, any member of the Committee or of the House could raise an objection in the House; but as a rule the House would be content. Thus it would be secured that the legislative powers of the bureaucracy, which have grown so remarkably, would be brought under effective supervision.

IV. *The Discussion of General Policy*

We have discussed the control of the House of Commons over legislation, and have seen that, as now exercised, it is not very effective, and in some spheres (notably Orders issued by the Departments) wholly ineffective; but we have found that, by reasonable and far from drastic amendments of procedure, it could be very greatly improved, especially if the House could be emancipated from the existing dictatorship of the Cabinet. We have discussed the control of the House of Commons over taxation and expenditure, and have seen that while in the sphere of taxation it is reasonably effective, but would be much more effective apart from the dictatorship of the Cabinet, it is in the sphere of expenditure utterly and shamefully futile;

but we have found that it could be made effective if, in the first place, the methods of keeping and preventing Estimates and Accounts were drastically revised, and if, in the second place, a proper system of Committees were established for this purpose—though here, also, a reduction of the dictatorship of the Cabinet would seem to be necessary. We have next to consider the control of the House of Commons over the general policy pursued by the Cabinet, as distinct from the detailed administrative work of the Departments.

It is in this sphere that the parliamentary system works best; and for that reason many are inclined to be satisfied with the system in its present form, and to overlook its grave failures in other spheres. Despite the omnipotence of a majority Cabinet, no Government dare make any important departure at home or abroad without publicly explaining and defending its action in the House of Commons. These statements of Government policy seldom lead to definite resolutions: indeed, they are often made on some motion in formal business to which they can be made relevant, so that no special motion would be in order. But the mere fact of publicity, and the opportunity which is given to responsible members of non-Government parties to express their views, is of very great value. Often there is a demand that 'papers shall be laid,' which is almost always acceded to: this means that a White Paper containing all the documents relevant to the discussion will be printed, circulated to all members, and put on sale to the public. Every Government, therefore, however powerful, knows that it must publicly justify every important action that it takes, and this must profoundly influence its policy. Even if it knows that it can repel any direct attack by the use of its majority, it knows also that it cannot suppress the reverberations of a debate in the public Press, and,

through that, in all the talk of the clubs, the taverns, and the morning and evening trains.

If the responsible leaders of a non-Government party wish to challenge the action of the Cabinet on any major issue, such as the line they have taken in some international conference, or their failure to provide work for the unemployed, they can always make an opportunity, either on the Estimates, or by asking for a 'day' on which to move a resolution, which will nearly always be granted—at the expense, if need be, of the time allotted to legislation or finance. For the most serious kind of resolution—a definite vote of censure on the Ministry, which will, if carried, bring about its resignation—time is always allowed.

The ordinary member, also, has abundant opportunities of raising issues of importance. The motion for the adjournment of the House, on any night, may be used for a discussion on various matters; or the adjournment of the House may be moved, at certain points in the course of business, to call the attention of the House to this or that—provided that 'this or that' is 'an urgent matter of definite public importance,' and the motion is supported by a solid body of members. The motion that the House go into Committee of Supply used to be employed for a discussion that might range from China to Peru. And the debate on the Address (in reply to the King's Speech) is an occasion upon which the whole conduct and policy of the Government may be discussed.

In addition to all this, two evenings in the week are assigned to private members' resolutions—until, as the pressure of business becomes severe, the Leader of the House moves a resolution taking this time for Government business. Members 'ballot' for the right of moving resolutions on these occasions; and there is practically no limit to the subjects that may be raised. They may be abstract or severely practical,

sweeping and general or detailed and trivial. One member may move ' that the power of bureaucracy has increased, is increasing, and ought to be diminished ' ; the next may advocate the supply of rubber-soled boots to policemen on point duty. One may ask the House to resolve that no solution of the problems of society will ever be found under Capitalism; the next may urge that the date of laying should be marked on all eggs exposed for sale. One may move that the Army and Navy should at once be abolished without waiting for the disarmament of other nations; the next may call attention to the incidence of the hut-tax in Nigeria, or the defacement of the countryside by advertisements. Whether the resolution is lost or carried makes no difference: the debate is what matters. It is sometimes said that these academic discussions are a mere waste of time, and so they often are. But they have their value. They are regarded as providing a vent for the private member, who, in existing conditions, is apt to feel that the business of the House gives him very little chance of rendering the direct public service which he probably hoped to be able to render when he was elected. The private members' days are a sort of sop, thrown to the members to compensate them for having become, in the main, little more than voting-machines. If the changes which have been suggested in this chapter were carried into effect, they would have enough real work of definite value to make these debating-society exhibitions possibly superfluous.

The debates on Government policy are of far greater moment. They are perhaps the most valuable part of the House's work. So long as the Government continues to be exposed to this free criticism, we shall not have ceased to be a free people, however much bureaucracy may extend its power. But the value of these discussions and the weight attached to them by the public diminish when they sink to be mere

tourneys between two opposing armies, one maintaining that the Government is wholly right, the other that it is wholly wrong. Their value would be increased if the Government had to convince and satisfy others besides its pledged supporters; if the varying bodies of opinion in the country were better represented than is now the case; if the House were less party-ridden: and if, for that reason, it were of better quality and exercised a freer judgment.

A large proportion of the subjects dealt with in these general debates are concerned with the external relations of the country—with foreign affairs, and with imperial affairs. In these spheres the House exercises no such control through legislation as it does in the case of the Departments that deal with social and industrial problems; because laws seldom or never have to be made about these matters. Nor does it exercise much control through the Estimates, because the Foreign Office, the India Office and the Colonial Office are not large spending Departments, their outlay being mainly on the upkeep of administrative staffs. These are the Departments of Government in which the Royal Prerogative has been least restricted, and consequently the independent authority wielded by the Cabinet is greatest. Our relations with other countries and with the Dominions, India and even the Crown Colonies and dependencies, depend scarcely at all upon what laws we pass, and very little upon what money we vote, but mainly upon the wisdom and tact with which problems are dealt with by the responsible administrators, as they arise from day to day. A momentary slip, an injudicious telegram, an ill-conceived instruction thoughtlessly given to an ambassador or a governor, may easily create difficulties from which extrication will be difficult.

Accordingly the discussions of policy in these spheres become doubly important; and the House of

Commons, naturally and rightly, attaches supreme importance to them. But they are not solely the concern of the House of Commons, unlike the questions which involve finance. The House of Lords always includes a larger number of men who have direct experience of these problems than the House of Commons—men who have served as ambassadors and possess the kind of knowledge about the temper and outlook of foreign Governments which is invaluable, but also incommunicable; men who have served as Viceroys in India or as Governors in the Dominions and Colonies; men who sit on the Judicial Committee of the Privy Council, where imperial problems are determined; men who have been ennobled after long service in great offices of State, possibly in the very offices concerned. The contribution which can be made by these men cannot be disregarded, and is often more valuable than the contribution made by members of the House of Commons.

Moreover, there is necessarily a confidential element in all these questions. It is impossible to carry on negotiations with other countries if they are to be made public before they are completed; the mere possibility that this might happen would often be enough to deter the Ministers or ambassadors of foreign States from putting forward the tentative and provisional suggestions which must be made during any negotiations. In a less degree the same difficulty must arise in any attempt to bring about common action with the Governments of the Dominions: premature publicity might spoil everything. Even the discussions between a Colonial Secretary and, say, the Governor of such a colony as Kenya about the kind of policy which the Government of the colony ought to pursue could not be carried on with the requisite frankness if the letters on both sides, or their differences of opinion, were to be blazoned abroad by debates in the House of

Commons. Accordingly these debates have to be conducted with a good deal of reticence. Ministers are frequently heard to declare that it would not be in the public interest to publish this or that; the House of Commons, not being without sense, accepts these assurances; but it sometimes suspects, not perhaps without reason, that Ministers, being full of self-importance, may abuse the confidence that is necessarily reposed in them. The result, however, is that the degree of real control which either the Commons, or the Lords, or both can exercise in these vitally important spheres is very small. Parliament has to trust to the good sense of the Ministers concerned, checked by the over-occupied and distracted Cabinet. And this is not very satisfactory, because the Ministers are often men of very little experience: the Foreign Secretary may not be able to speak any language but his own; the Indian Secretary may never have been in India, or have known anything about Indian affairs until he took office; the Colonial Secretary may have no understanding of the sentiments and conditions of the Dominions and Colonies.

Happily, in these fields there are not—as there ought not to be—any fundamental differences of opinion between parties. One party may think that the process of pacification and disarmament among the nations ought to be, and is likely to be, slower than another party may think practicable; but all parties are agreed in the belief that peace—in the sense not merely of the absence of war, but of the existence of mutual confidence and positive guarantees against war among all peoples—is the primary interest of this as (if they would only see it) of all countries. Again, one party may think that the advance towards self-government in India ought to be made more gradual than seems desirable to another party; but all parties are agreed that the necessity for this advance is among the

accepted and recognised axioms of British policy. Yet again, one party may think that the unity of the Empire may be cemented by fiscal bonds, while another may believe that these bonds would prove to be fetters; but all parties are agreed that the closer union of the Empire ought to be fostered in every possible way. In their main lines, the foreign policy and the imperial policy of the country are therefore outside of party differences, and there ought to be a real continuity in them.

We have, then, two problems to consider. The first is, How can Parliament (for both Houses are here concerned) be satisfied that, not merely the ultimate agreements, which alone can be submitted for public discussion, but the day-to-day handling of foreign and imperial problems, are carried on in the best way? The second is, How can a real and effective continuity of policy be secured in these spheres, in which there is no fundamental difference between parties?

Might not both problems be solved at once if there were established two Standing Committees of both Houses, or possibly two Consultative Committees, one dealing with foreign and the other with imperial affairs? They should include (among others) all who had served as Ministers or Under-Secretaries in any of the Departments concerned. They should be highly confidential bodies, whose members would be under an obligation, as strict as that which binds the Cabinet, not to reveal any facts communicated to them in Committee before they were officially published. They should not be expected to report to Parliament—in this respect differing from the Committees suggested in the last section. To such bodies Ministers might well find it possible to give information which it would be impossible to lay before Parliament, where everything is public. The advice which such bodies could give would be of immense assistance to Ministers,

especially to those who lacked experience; and while, of course, Ministers would be under no compulsion to accept the advice, since they and the Cabinet must be responsible for the policy adopted, they would at least hesitate before rejecting it, when it pointed preponderantly in one direction. The advantage which would be gained from this method of procedure would be, first, that continuity of policy would be assured; and, secondly, that Parliament, seeing responsible leaders of all parties taken into consultation, would feel greater confidence in the conduct of foreign and imperial affairs, and would be more content to allow many matters to remain unpublished.

It is obvious that the proposal has difficulties. The leaders of the non-Government parties might feel that their freedom in criticism would be seriously impaired; though, of course, they would be under no obligation to pretend agreement when they differed from the policy adopted by the Cabinet, so long as they did not divulge confidential facts communicated to them. On the other hand, the Ministers concerned might feel themselves hampered, and the more restive among their followers might resent the fact that opponents were being taken into consultation. But consultations of this type take place occasionally now, and no difficulty is experienced, nor is any information improperly divulged. Any inconvenience which might attend the experiment would probably be more than balanced by the real advantages of continuity and national confidence which would result from it. It is not found impossible in other countries to carry on confidential Committees on Foreign Affairs which are appointed by the legislature from all parties, and which are surrounded by less adequate safeguards than those suggested.

CHAPTER VII

THE SECOND CHAMBER

I. *The House of Lords as it is*

In his brief summary of the British system of government, to which we have so often referred, Burke spoke of the Monarchy (*i.e.* the Government) as being subject to 'controls on behalf of the higher people and the lower.' By the 'control on behalf of the higher people' he of course meant the House of Lords. Since Burke wrote, that body has undergone a strange transformation: it is bloated in size, but in power it is a mere shadow of its former self. It has now come to be little more than a curious survival, an unnatural anomaly in a democratic system.

In Burke's time the House of Lords was indeed an august assemblage. It was the direct descendant of the Magnum Concilium of the feudal age, which, long before the House of Commons was dreamt of, took counsel with the Conqueror and wrested Magna Carta from King John. It was filled with the magnates of the realm, the great landowners, natural leaders of a society which mainly consisted of landholders and land-workers. It was the House in which the King sat on his throne to take counsel with his Parliament. When the King sat crowned, the Lords sat on their crimson benches, wearing their coronets or little crowns, and their robes of velvet and ermine, while the Commons, hurrying to the presence, with their Speaker at their head, stood uncovered, crowding and jostling at the bar—as they still do, in memory of that

dead era. Even when there was a conference between the two Houses, the representatives of the Lords sat in state, and the representatives of the Commons stood uncovered before them.

The Lords were never very active in affairs. They were content that the Commons should do the bulk of the public business, and, in particular, that they should assume control over questions of finance. They were content because most of the highest offices of State were filled by peers; because something like one-third of the members of the House of Commons were their personal protégés, sitting for constituencies to which they were nominated by lordly patrons; and because almost the whole membership of the Lower House consisted of the younger sons or connections of the peers, or were at least drawn from the class of which they were the recognised leaders. The House of Lords was not, even in the eighteenth century, when its power was greatest, a very lively place; but it was the seat of power, in an era when the doctrine that 'those who owned the land should rule the land' was accepted almost as an axiom. Gilbert was writing, not satire, but sound history, when he wrote (of the Napoleonic era) that 'The House of Lords, throughout the war, Did nothing in particular, And did it very well.' They certainly did it with immense dignity. They were, as Burke once said, like great placid oaks, rooted in the soil and sheltering the fields. The birds of song nested in their branches, and they were unperturbed by the chirping of grasshoppers. If the spreading roots of these great trees impoverished the soil, and if their shade stunted the growth of lesser but more useful plants, that generation had not yet begun to probe into these matters.

A great change came with the Reform Act of 1832, which abolished 'pocket boroughs' and made the House of Commons independent of the magnates.

A new, powerful and energetic class, whose strength was derived from the wealth created by industry and commerce, began to compete for power with the old landed aristocracy, and made the House of Commons its instrument. There was frequent friction; and the House of Lords had to learn from the Duke of Wellington the unpleasant lesson that it must not resist when 'the will of the people' was manifest, but must confine itself to amending or delaying objectionable projects of change, rejecting only those measures in which no great interest was taken by the English electorate, such as Bills for the redress of Irish grievances. So its legislative powers, nominally co-ordinate with those of the House of Commons, fell into the background: it became merely a delaying body, a Second Chamber. Yet it was still august and respected. The British public 'loves a lord,' and agitations against hereditary power met with a curiously cool reception. Cabinets were still largely filled with peers; and the House of Commons, if no longer what it was, was at least still manned by 'public school and university men.'

About 1880 (but it is always dangerous to give exact dates to a change of this sort, which creeps on insensibly) another stage in the development of the House of Lords began. It had two aspects. On the one hand, a demand for great social changes, a protest against the unjust distribution of wealth, a growing anger against the juxtaposition of grinding poverty with irresponsible and idle luxury, began to become the dominating issue in British politics. That raging Radical, Joseph Chamberlain, began talking about the doctrine of ransom, about making 'those who toil not neither do they spin' pay for their privileges. The Socialist movement also was being re-born. In 1884 there was a brief, fierce campaign for the 'mending or ending' of the House of Lords; and although it

guttered out like earlier agitations, it was a sign of the coming of a new era. Democracy, born in 1867 and sent to school in 1870, was adolescent. On the other hand, the very wealthy, feeling themselves threatened, began to draw together, whether their wealth came from land or from trade. Moreover, the wealth that came from trade had come to seem more respectable. A few Captains of Industry, the harbingers of an army, began to make their appearance in the august Chamber. In the last twenty years of the nineteenth century their numbers were rapidly expanded; for it was the era of empire-building, when financiers who promoted imperial companies were held in high esteem. They had directorates to offer, which the heads of the great landowning houses did not despise, especially as agriculture was doing badly. The two great forms of wealth ceased to be sharply distinguished, and found a common centre—and a common fortress—in the House of Lords. This became very clear after the Home Rule split of 1886, which drove into the Conservative party most of the magnates who had remained Liberal.

Reinforced by this accession of strength (by which its numbers had been greatly swollen) the House of Lords took courage, and showed a greater boldness in rejecting the Bills of the Liberal Government of 1906 than it had ever shown during the nineteenth century, in spite of the enormous majority by which that Government was supported. The counsels of Wellington were forgotten. Finally, in 1909, the House of Lords ventured to attack the supremacy of the House of Commons over finance. It rejected the Budget, and by so doing assumed the power—which it had never before ventured to claim—of dismissing the Ministry. This brought about its downfall. After two elections had been fought in 1910, the Parliament Act was passed in 1911, and the House

of Lords was bitted and bridled, and reduced almost to impotence. Its members have been wailing about their hard fate ever since, and imploring their friends in the Commons to restore their power.

There were two main provisions in the Parliament Act. The first formally and legally deprived the House of Lords of any power of interfering in financial matters, by denying them the power of dealing with any Bill which was certified by the Speaker of the House of Commons as a Money Bill. This was not a very logical or satisfactory definition, and it put a dangerous discretionary power into the hands of one man. The Speaker is elected by a party majority in the House of Commons. If a Speaker, chosen (possibly for this purpose and on this condition) by a casual majority in the House of Commons representing a minority in the country, should stretch unduly the definition of a Money Bill, he might very seriously impair the legislative powers left to the House of Lords, and there would be no appeal from his decision.

The second main provision of the Act was that, while the House of Lords might reject a Bill twice, if the Bill were sent up for a third time within two years of its first introduction it should go direct for the Royal Assent. This provision left to the House of Lords a considerable power of delay, and enabled it to waste the time of any House of Commons from which it differed; but it also rendered it impotent to resist any change, however revolutionary, which was persistently pressed by a majority in the House of Commons, even if it represented a minority in the country—impotent even to force a reference of the subject to the country, or to delay a decision until the next general election.

The Parliament Act thus reduced the House of Lords to a definitely subordinate position. It is no

longer, in any sense, a co-ordinate authority with the House of Commons, but only a revising and delaying body; and not very effective even for that purpose.

As it stands to-day, the House of Lords is a body of approximately 750 members. It is therefore a much larger body than the House of Commons. This unwieldy size has been due to the lavishness with which peerages have been created during the last half-century—during the period, that is, in which party organisation has been becoming more and more elaborate, and more and more costly. In the twenty-one years from 1880 to 1900 inclusive, 138 new peerages were created, or an average of seven per annum; in the fifteen years from 1901 to 1914 inclusive, the number was 113, and the yearly average eight; and in the fifteen years from 1915 to 1929 inclusive, the number was 179, and the yearly average 12. Thus the total number for fifty years was 430; and, after making full allowance for the post-1880 peerages which have since died out, considerably more than half of the members of the House of Lords hold titles which are less than fifty years old. The process still goes on. In the year 1929 no less than twenty-two new peerages were created, which is nearly twice the average for the last fifteen years. At this rate, in a dozen years we should have a House of Lords of 1000 members; and if the House lasts for another century, it will have to hold its meetings in the Albert Hall.

This rapid increase in size has done almost as much as the Parliament Act to reduce the prestige and power of the House of Lords, the more so because it has been generally understood that a large proportion of these creations were paid for by big contributions to party funds: it is the growing costliness of party organisation which has been chiefly responsible for the swollen size and the diminished reputation of this

once august body. It has become the stronghold of great wealth; but it is not a defensible stronghold, for irreparable breaches have been made in its walls.

Five elements may be distinguished in the membership of the House of Lords. First, there are four Princes of the Blood, who stand aloof from party politics, and take no active share in the business of the House. Next come the hereditary peers, numbering (in 1928) 683, of whom twenty-six were under age, and therefore not entitled to legislate. The third class consists of forty-four representative peers, sixteen elected for life by the peers of Scotland, and twenty-eight elected for the duration of each Parliament by the peers of Ireland. Irish peers who are not elected as representatives of their order may become members of the House of Commons, as Lord Palmerston did. Scottish peers may not: they are the only laymen over the age of twenty-one who are definitely excluded from both Houses of Parliament. The fourth class consists of twenty-six spiritual peers, the two Archbishops and twenty-four of the Bishops, who sit, of course, only for the period of their episcopate. And, finally, there are three Law Lords, who sit for life: their presence is due to the necessity of including an adequate number of lawyers in the House, seeing that it is, in one aspect of its work, the supreme law-court of the realm.

II. *The Work of the House of Lords*

Of this huge assembly, only a small minority take any active part in the business of the House: the great majority seldom or never go near it, except on rare occasions when the 'privileges of their order' are in danger, as in 1911. Then hundreds of 'backwoodsmen' roll up, and the attendants at the House are hard put to it to identify these noble lords. But

the minority, perhaps fifty in number, who do take an active part, include a number of men of outstanding ability. There are members of great historic families who have a fine tradition of public service. There are men who have held the highest offices of State, and played leading parts in the House of Commons, but who have been transferred to the Lords for one good reason or another—often because they found the House of Commons too strenuous as they grew older, or because their party needed spokesmen in the Upper House. There are men who have served as ambassadors, as viceroys, as governors, as permanent heads of the great Departments. Some of the wealthiest 'captains of industry' in the country, the big brewers, the great bankers, and the organisers of the huge financial combines in industry and shipping which are among the most impressive phenomena of the age, are now always among the members of the House, though they take little part in its proceedings. Now and again a famous poet, a painter, a doctor, a man of science, is rewarded with a peerage—provided that he has made a great deal of money by his craft. The Bishops represent an element of knowledge and experience that is lacking in the Lower House. The great judges, including the ex-Lord Chancellors, the Lord Chief Justice, and others, besides the 'Law Lords,' add an element of high authority in the discussion of legal questions which cannot be matched in the Lower House; and, time and again, their criticisms have prevented the perpetration of grave blunders in Bills sent up by the Commons. Hence, although the House of Lords is far less active than the House of Commons, and its decisions are immeasurably less important, its 'full-dress debates' are often more distinguished in quality—perhaps, in part, because they are conducted in a more leisurely way. This is especially true of debates on large issues of policy,

especially in foreign and imperial affairs. It may be noted that the majority of the most valuable members of the House of Lords are not those who sit there by inheritance, but those who have been ennobled on the ground of their personal distinction.

But let a definite issue between parties be raised, and the working minority, whose quality is so distinguished, is promptly swamped by an inrush of men who have little claim to be heard beyond that which (in the eyes of some) may be given by their wealth and their titles. By an overwhelming majority, these men belong to a single political party. They are mostly, by reason of their position, Conservatives, and often reactionary and intolerant Conservatives: a majority of the active minority are Conservatives also, but they are usually men of more judicial minds. This one-sided political complexion of the House of Lords very greatly weakens its influence. When a Conservative Government is in office, the House of Lords is apt to be almost completely quiescent; when a Government of any other party is in office, it is apt to raise unreasonable difficulties, and to be tempted to use to the utmost the powers still left to it by the Parliament Act, which may be made very vexatious.

The functions which the House of Lords can still usefully perform are limited. It is still, in name, the supreme law-court and final court of appeal. But this is merely a historical survival. The House as a whole now takes no part in this work, which is left to those of its members who have held high judicial office, together with the legal life-peers who have been appointed to reinforce them. The law-court which is called 'the House of Lords' is in reality quite distinct from the legislative assembly of that name. It sits in the morning, before the House of Lords proper meets; and the Lord Chancellor, when he presides over it, does not even sit on the Woolsack: he and the

other Law Lords sit at the lower end of the House, and barriſters argue cases before them from beyond the bar. There is no reason at all why this court should continue to be called 'the House of Lords,' or to meet where it actually meets. It is practically identical in personnel with the Judicial Committee of the Privy Council, with which it might well be merged. This would have happened more than fifty years ago, under the Judicature Act, which revised the whole English syſtem of judicature, if pure antiquarianism had not inſiſted on preserving the exiſting arrangements—now a mere anachronism.

Apart from its legal work, the House of Lords has not much to do. Except in the field of finance, indeed, it is in theory a co-ordinate legislative body with the House of Commons, and every Bill, before it becomes law, has to be put through three Readings and a Committee ſtage by the Lords, as by the Commons. But the House of Lords practically never initiates legislation. It might with advantage, and with much saving of time, be used as the place in which some Bills should receive their firſt discussion: this would be especially useful in the case of Bills dealing with legal queſtions. But it is very little used in this way. Its main function is to revise the Bills sent up from the Commons; and its leading members complain that, while it is given very little legislative work to do in the firſt part of a session, towards the end of the session Bills are thruſt upon it in such numbers that it is impossible to go through them with any thoroughness. Thus the value of the House of Lords as a revising Chamber, which might be great juſt because it has so much more leisure, is largely thrown away.

Even in its present form, the utility of the House of Lords is considerable as a deliberative assembly dealing with broad issues of national policy, owing to

the distinction of the small minority who take an active part in its proceedings; while it performs a valuable function in the revision of the hurried output of legislation that comes to it from the House of Commons, and might be much more useful in this way if it were more wisely utilised, and if its members were more assiduous. But as a bulwark against sweeping changes it is now futile. This is due not merely to the limitation of its powers under the Parliament Act, but still more to the grossly partisan character of its membership, even in the active minority, and most of all to the fact that it represents only one class in the community, and only one interest—that of great wealth.

The House of Lords is, in short, an anachronism in a democratic State; and if a Second Chamber is required at all for the adequate exercise of 'control on behalf of the people,' it must be a Chamber of a very different character from this. The House of Lords itself has long recognised this fact. Ever since 1911 its most intelligent members, without respect of party, have urged the necessity of a revision of its constitution; but no Government—not even the Conservative Government of 1924–9, which was pledged to deal with the subject—has ventured to touch it, and the endeavours made by the House itself have been received with derision.

It is useless to discuss these proposals, or any proposals for dealing with the problem of the Second Chamber, until we have decided whether a Second Chamber is needed at all in a democratic State, or whether it is not (as many hold) either a fifth wheel in the coach, a mere cause of delay, or a positive obstacle in the way of democratic government and social reconstruction.

III. *Is a Second Chamber Needed?*

Second Chambers exist in almost every modern State; the exceptions, such as Jugo-Slavia and Nicaragua, are not States which are widely regarded as models of good government. On the other hand, it may be argued that this is because nearly all modern constitutions were modelled on the British Constitution, and have Second Chambers only because we have one; and it may be added that there is scarcely any State in which the constitution and powers of the Second Chamber are not the subject of complaint and controversy. But it is needless to dwell upon the practice of other countries. Foreign analogies have their value; but our constitutional development has never been governed by deference to foreign usage. It is in relation to the needs and working of our own system of government that the problem must be considered. We must therefore inquire what are the reasons which are held to necessitate the existence of a Second Chamber in a democratic State, and what functions it might be expected to perform in our system; and the answers which we give to these questions ought to determine both the constitution and the powers of the Second Chamber, if we reach the conclusion that a Second Chamber is needed.

Two main justifications are commonly given for the existence of a Second Chamber. The first is that it is necessary to guard against rash and possibly revolutionary action which might be taken by the First Chamber without any adequate consultation of the nation, and in conflict with its real desires. The second is that the volume of work that has to be done is so enormous that a single Chamber cannot undertake it; a Second Chamber is therefore held to be necessary to supplement the first, and to correct the blunders that may arise from undue haste and inadequate discussion.

The seriousness of the first danger—that of revolutionary legislation not corresponding with the real mind of the nation—must obviously depend upon the way in which the elections to the First Chamber are conducted, and the extent to which the real mind of the nation is reflected in it. If the system of election is such as to ensure that every important body of opinion in the country is represented in proportion to its strength, and that every vote really counts, no safeguards will be needed, and no safeguards will be effective. They will not be needed, because the main body of opinion in a country like ours is sane, sober and responsible. They will not be effective, because if a solid majority of the nation has really made up its mind upon certain changes, no machinery can prevent it from obtaining them. But if the system of election is of a different character, the case is altered. If the individual voter has no real chance of expressing his real opinions; if he is continually placed in the dilemma of either not using his vote at all, or using it to support a person who seems to him unworthy or an idea which seems to him unsound; if the voting is so arranged that electors are often almost compelled to vote, not *for* what they believe in, but merely *against* what they most dislike; if all votes not given to a winner are wasted, and electors are therefore encouraged to try to 'spot the winner' and give their votes to him; if things are so arranged that the balance of power is thrown into the hands of a small margin of unthinking electors who are liable to be carried off their feet by stunts and sweeping promises; if the system is such that even after all these influences have played their part a minority in the country may obtain a sweeping majority in Parliament, so that every election becomes a mere gamble—in that event, assuredly, some safeguards will be necessary against the consequences of a system so vicious.

We have seen that the existing electoral system in this country is marked by all these features. We have seen that in 1918 a poll of only 52 per cent. of the electors, shaped by all the influences we have summarised, obtained a majority of nearly four to one in the House of Commons; that in 1922 a poll of only 38 per cent., again shaped by all these influences, secured a majority of seventy-nine in the House of Commons; that in 1924 a poll of 47 per cent., shaped by the same influences, obtained a majority of two to one in the House of Commons. What has happened so often will certainly go on happening, so long as the conditions which make it possible continue. These distortions of opinion would only be emphasised and exaggerated if the electors were forced to make a choice between only two parties. And when we reflect upon the almost unqualified dictatorship that, under our system, falls into the hands of those who obtain a parliamentary majority by these means, the necessity of some safeguard becomes very apparent, if these methods are to continue.

But can any Second Chamber provide us with the necessary safeguards—any Second Chamber which could conceivably be created in this country, and at this date? Much might be said upon this subject. But one consideration is enough. To exercise any adequate safeguarding power, the Second Chamber must wield a large degree of authority over finance; for any big revolutionary change in the structure of society or in the balance of power between classes will certainly be achieved mainly by financial measures: the power of the Crown was shackled by financial measures; the downfall of the landowning aristocracy was brought about by financial measures. Is it conceivable that any Second Chamber would, or could, be granted co-ordinate power with the House of Commons in the sphere of finance? Not unless its

authority was derived from as direct a process of election as that of the House of Commons; and in that case, unless a different and better method of election were adopted, the same methods which produced a given result in the one House would be likely to produce a similar result in the other; whereas, if a better method of election were adopted for the Second Chamber, its authority would soon rival or surpass that of the other House, and the conflict for supremacy between them would bring chaos.

It is difficult to resist the conclusion that no practicable scheme for a Second Chamber would be of the least avail to prevent violent legislation due to the *imperfections of our system of representation*. Those who insist upon preserving these imperfections, and at the same time put forward plans for a Second Chamber to correct their effects, resemble the White Knight in *Through the Looking-glass*, who

> was thinking of a plan
> To dye one's whiskers green,
> And always wear so large a fan
> That they should not be seen.

The only efficient safeguard against legislation that does not reflect the real mind of the country is to make sure that the real mind of the country is reflected in the House of Commons.

During the discussions which preceded and followed the passing of the Parliament Act, it was often urged that a Second Chamber could provide the safeguard required if it were empowered to demand a Referendum on any important subject upon which it was at issue with the House of Commons; that is to say, not a general election, but a specific vote by the whole electorate upon the subject in dispute. The Referendum has been tried in a number of countries, notably in Switzerland and in some of the American States.

It cannot be said to have been anywhere a conspicuous success. The difficulty about it is that it is impossible to take a satisfactory 'Yes or No' vote upon any complex question.

For example, if the question is put to the electorate: 'Are you in favour of a reduction of the hours of work in mines to seven a day?' everybody would answer 'Yes' on the abstract question. But the real issue is whether the reduction of hours can be made without producing ruinous effects upon the coal trade, which might throw hundreds of thousands of miners permanently out of work. This depends upon a multitude of complex considerations, which cannot be put impartially before 25,000,000 electors, and would not be read by them if they were.

Or, again, to take another example, if we suppose a conflict to have arisen between the House of Commons and the Second Chamber on the Derating Bill of the late Conservative Government, and the Second Chamber to have demanded a Referendum, in what form would the question (or questions) be put? 'Are you in favour of the reduction of the rates on industrial concerns?' is a question-begging inquiry: everything depends upon how the burden lifted from industry is to be distributed. 'Are you in favour of transferring the functions of Boards of Guardians to County Councils and County Borough Councils?' is equally a question-begging inquiry: everything depends upon the nature of the new arrangements to be made and their effect upon ordinary folk, as to which nobody could form a sound judgment without studying the Bill. And if copies of the Bill, in all its complexity, were circulated to the 25,000,000 electors, and they were asked to say whether they were in favour of the Bill as a whole, what could they answer? It is probable that nobody, not even its sponsors, is in favour of every detail of a complicated Bill. Every

different element of dissatisfaction would be stirred to vote against the Bill: experience shows that, for this reason, the answers given on Referendums are preponderantly negative. But supposing the result of the Referendum to be favourable, would this, or would it not, mean that the Bill would have to pass as it stood, without the valuable amendments that might result from discussion?

It may be said that there is no suggestion that the Referendum should be used for questions of this sort, but rather for broad issues, such as the question of Home Rule for Ireland, on which the House of Lords was at issue with the House of Commons, or the scheme of land-taxation in the Budget of 1909, which actually precipitated the constitutional conflict. Well, how could one answer the question: 'Are you in favour of the taxation of land-values?' The only intelligible answer would be, 'That depends upon what you mean by land-values, and how you propose to tax them,' which would give no guidance. Home Rule for Ireland is, happily, now a dead issue. But take a similar problem, much alive to-day: 'Are you in favour of granting Dominion status to India?' The answer is, 'What do you mean by "Dominion status," and when and in what form do you propose to grant it?' One set of voters might feel inclined to say, 'I think we have already been in too much of a hurry in India, and have made a mess of things.' Another set might want to say, 'I am eager to see the development of self-government in India advanced as rapidly as possible, compatibly with the avoidance of chaos; but I know that the question is a very difficult one, upon which I am not competent to form an opinion. We send members to Parliament to study these problems and decide them.' Neither of these honest answers would be admissible; but how could those whose real opinions were represented by them

answer 'Yes' or 'No' to such a question? The Referendum, in short, is a wholly unsatisfactory method of settling disputed questions. It involves an abdication of their responsibility by elected representatives, and implies a distrust of their capacity, which can only be remedied by improving the representative system. If it were introduced, it would doubtless be often used. Its result would generally be negative.

We return, therefore, to the conclusion that revolutionary measures cannot be prevented by a Second Chamber either by its own direct action or by throwing the responsibility upon the electors, who cannot possibly decide intelligibly the issues in dispute; and that the only safeguard against this danger, in so far as it exists, is the adoption of an electoral system which will ensure a real reflection of the nation's mind.

The second reason for the existence of a Second Chamber is the need for revision of the legislative work which is apt to be scamped and hurried in the House of Commons. After the survey which we have made in the last chapter of the way in which this work is done, it is impossible to deny the force of this contention. We made various suggestions for lightening the burden of the House of Commons and increasing its efficiency. But these, though they would help, would not suffice. The immense volume of financial work which has to be got through during the parliamentary year, and which cannot be devolved by the House of Commons upon any other body, demands more, not less, time than is now allowed for it. Debates upon general policy take up more time year by year; and the claims of the private member have to be met. The result is that it is impossible, even by the best-devised system of Committees, to ensure that legislative work shall be thoroughly done.

There is one class of legislation, in particular, which is apt to be inadequately discussed—the class known as 'non-controversial Bills,' promoted by the various Departments. These Bills arouse no very keen feeling, and are therefore easily passed. But they always need careful examination, especially as they are frequently the means of enlarging the already immense powers of the Departments. Much would be gained if Bills of this class could be introduced, and receive their first thorough discussion, in a well-constituted Second Chamber. They could then pass to the House of Commons; and, having been already carefully examined, they could be passed the more rapidly. It is not suggested that the big controversial Bills upon which party conflict rages should ever be initiated in the Second Chamber: the proper place for the main discussion on these Bills is the House of Commons, whose members have fought the question in the constituencies; though, just because they are hotly debated, and usually largely amended, a cool reconsideration of these Bills in their amended form, such as a well-constituted Second Chamber could give, is often needed.

It is suggested, therefore, that in the first part of each session a Second Chamber might deal with 'non-controversial' Bills, while the House of Commons was debating the more controversial measures; and that in the second half of the session, after Easter, when the House of Commons is mainly occupied with financial questions, its legislative work would be in the main confined to the already discussed non-controversial Bills, while the controversial Bills would go to the Second Chamber. This is, of course, only a rough plan of action, which could not be rigidly defined; but it indicates a way in which a reasonable correlation might be established between the House of Commons and a well-devised Second Chamber, the

result of which would be a very great improvement in the efficiency and clarity of the legislative output of Parliament.

A third function of a Second Chamber, not so often emphasised as the foregoing, should always be the discussion of general questions of national policy, in a calmer atmosphere, and with less hurry, than is possible in the House of Commons. For this purpose it is important that any revised Second Chamber should preserve what has unquestionably been the greatest strength of the House of Lords—the presence in its membership of a number of men of great dignity and high experience, many of them belonging to the class of 'elder statesmen' who cannot stand the strain either of electioneering or of the incessant activities of the House of Commons. The lax rules of procedure in the House of Lords have had this great advantage, that they have enabled any member to raise, almost at any time, any question of public importance which seemed to him to need ventilation. This leisureliness and complete freedom of discussion have been among the most valuable features of the House of Lords, and they ought to be preserved.

In the light of these considerations we can proceed to discuss how a Second Chamber could best be constituted to meet the special needs of our system; what its powers ought to be; and how it ought to be related to the House of Commons and to the Cabinet.

But one preliminary observation must first be made. However it is constituted, and whatever its powers, the Second Chamber ought to be definitely subordinate to the House of Commons. Any claim to co-ordinate powers, and still more to superiority of power in any field, would inevitably lead to confusion, deadlock and uncertainty in government. The supremacy of the House of Commons as the representative of the whole nation in exercising 'control on behalf of the nation'

over all the organs of government must be beyond question. This supremacy is especially expressed in the unshared mastery in the field of finance which the House of Commons has long possessed, though it has hitherto wielded it very inefficiently. In considering both the composition and the powers of a Second Chamber, this fundamental principle must be always kept in view. The Second Chamber must not only be prevented from challenging the supremacy of the House of Commons; its composition and character must be such as to put such a challenge out of the question.

IV. *Projects of Second-Chamber Reform*

How, then, should a Second Chamber be constituted so that it may play its part, in subordination to the House of Commons, in making 'the control on behalf of the nation' over the organs of government more real and more efficient? It is agreed, even by its own members, that the House of Lords as it is now constituted cannot play this part. How should it be amended or replaced?

We have first to consider the proposals made by the House of Lords itself, on many occasions, but notably in the recent plan put forward by the late Lord Cave. The inspiration of all these plans has been the conviction that the House of Lords is now too large and miscellaneous a body to do its work well, and that its prestige and influence are damaged by the notorious absenteeism of a majority of its members. But with this conviction goes the determination that the privileges of the ancient estate of the nobles must not disappear. It is therefore proposed that, while other elements might possibly also be included, the preponderant element in the new House must be elected by the existing body of peers. And it is

hoped that, when thus reconstituted and reduced in size, the House of Lords might claim the restoration of some, at all events, of the powers of which it was stripped by the Parliament Act. Without wasting time in the discussion of still-born schemes, it is enough to say three things about this and all similar projects.

In the first place, the election of a definitely limited number of peers by their colleagues would destroy the power which now exists of using the Royal Prerogative of creating peers to overcome opposition in an emergency. This would be a very serious matter if there were to be any withdrawal of the limitations imposed by the Parliament Act; because it would destroy the only possibility of overcoming a deadlock between the two Houses which the Constitution has hitherto provided. A new election of the representative peers might indeed be ordered; but it would be unlikely to make any difference—it would be an appeal from the selected representatives to the 'backwoodsmen.'

In the second place, no process of election that could be devised would prevent the election of representative peers from taking place on strict party lines—as it does to-day in the case of the Scottish and Irish peers. A system of proportional representation might secure a minority of seats for the minority parties; but it would not prevent the exclusion (in so small an electorate) of those men of non-partisan minds who have hitherto been the strength of the House of Lords; they would be excluded in favour of definite partisans.

In the third place, the election of the whole or any part of a Second Chamber by the existing body of peers would be election on a preposterously and indefensibly narrow franchise. Why should 683 men out of 25,000,000, merely because they are rich, and have (in a good many cases) used part of their riches to buy

titles, have the right to elect members to a Second Chamber? If wealth is to be the basis of election, it would be better to make no bones about the matter, and fix the franchise at £10,000 a year; but it is enough to name such a suggestion in order to show how impossible it is in a democratic State. If long, traceable descent is to be the test, many of the present members of the House of Lords will have to be excluded, and many others will have to come in; though, indeed, on this ground we might all have a claim, being all descended from Adam—and, in this country, probably all from William the Conqueror, though we cannot trace our pedigrees.[1] The defenders of the hereditary principle have been known to support their claims with analogies drawn from the racing stable. But peers are not deliberately and carefully bred for the work of legislation, as race-horses are bred for racing; nor are they, like race-horses, ruthlessly discarded when they prove to be unfit for their work.

There is no escaping the conclusion that if we once depart from the purely hereditary basis of the present House of Lords, we shall have to depart from it altogether. Not only can nobody sit in the Second Chamber of a democratic State, merely on the ground that he is the eldest son of his father, and that he is not addressed as "Mr.," but nobody can have a voice in the election of those who sit there on such grounds. But if the hereditary basis is to be abandoned, what alternative is to be adopted? There have been many proposals. Most of them can be very briefly dismissed.

One method would be that of direct election, either

[1] The Norman Conquest took place twenty-six generations ago. At that date each of us had 70,948,864 ancestors! Making all allowance for duplicates, it is probable that each of us has in his veins the blood of every person alive in England in 1066 who had descendants—including William the Conqueror and all his barons.

on a limited franchise with a property qualification, or on the same franchise as the House of Commons. A Second Chamber elected on the same franchise as the House of Commons would have an equal authority with that House in the eyes of the nation; and friction and conflict would inevitably result. Several countries have tried the method of a limited franchise, but with little success: the method is open to the charge that it is designed to give to legislation a bias against the mass of the people.

The method of indirect election—by County and Borough Councils or other such bodies—has often been advocated. The French Senate, which is one of the strongest Second Chambers in the world, is elected by a modification of this method: the electorate, in large areas, consisting of all who have been chosen for various public bodies. This is a not impossible method. For such an election the country might be divided into, say, thirty very large areas, each returning, say, five members; the electors might be all who had served on certain scheduled public bodies; and the voting might be by the single transferable vote. But this method has the drawback that the elections to these bodies are apt to be influenced by consideration of the way in which the candidates are likely to use their votes on the larger issue; whereas they ought to be chosen purely for the work they have to do.

A special form of Second Chamber is commonly adopted in federal States, such as the United States, Germany or Australia, in which the Second Chamber specifically represents the component members of the federation. This method is of course inapplicable to Britain, so long as it preserves its existing unitary constitution. In the next chapter we shall discuss the possibility of a measure of 'devolution' which would establish a series of subordinate legislatures for different parts of the country. Although this proposal has

often been discussed in general terms, it has never been seriously advocated by any political party. If it were adopted, it might provide a basis for a Second Chamber—the subordinate legislatures each electing a number of members proportionate to their population. A body elected in this way, by the methods of proportional representation, might be an excellent Second Chamber: it might even be strong enough to oppose an effective barrier to ill-considered revolutionary changes. But the prospect of the establishment of a series of subordinate legislatures is so remote that this method offers little chance of an early solution of the Second Chamber problem.

It has sometimes been suggested that, since the House of Commons is chosen on the broad basis of citizenship, the Second Chamber might be chosen on an occupational or vocational basis, the various trades and interests in the country being directly represented. But the task of drawing up a list of interests for representation, and of deciding how many members each should have, would be an impossible one. And, even if this difficulty could be overcome, members elected on such a basis would be bound to feel that they were chosen to uphold the interests which they represented—a highly undesirable point of view. We already have too large a representation of interests in the House of Commons—too many men who think first of the interests for which they speak, and only secondarily of the common interest.

Nomination by the Crown has been used in some countries for the constitution of at least a part of the Second Chamber. But in this country nomination by the Crown means in practice nomination by the Prime Minister, who is the head of a single political party; and who is also the head of the very Government which it is the business of Parliament to criticise and control. However it might be limited or modified,

this method of choice would give too much power over the legislature to the head of the executive. He already has too much.

Some have held that, as the Bishops have often played a valuable part in the House of Lords, they ought to remain in any new Second Chamber, possibly in reduced numbers, but that they ought to be joined by representatives of the other Churches. The Law Lords form a distinctive element which would still be useful, even if the existing judicial functions of the House of Lords were otherwise performed. Others hold that the Second Chamber, rather than the House of Commons, is the proper place for representatives of the Universities; and that other great corporations representing non-political and non-economic elements in the life of the community, and essential to our civilisation, should be directly represented, such as the Royal Academy, the Royal Society, the Colleges of Physicians and Surgeons, and so forth. An element of this sort, if not too large, might play a useful part, and ensure the expression of vital elements in national life that are too apt to be disregarded.

But we must not lose sight of the purposes which the Second Chamber is to serve. It is not to be merely a miscellaneous collection of eminent men, or representatives of various interests. Its work is political. It is to be, in subordination to the House of Commons, a revising Chamber for legislation. It is to be a place where, in an atmosphere of greater calm, and without the responsibility of possibly overthrowing a Ministry, the larger issues of national policy shall be publicly debated by men whose knowledge and experiences give weight to their opinions. To perform these functions well, the Second Chamber ought not to be very large; perhaps its numbers should not exceed 200 or 250. It ought to be, as fully as possible, in harmony with the House of Commons; it ought to

represent various schools of thought and parties more or less in the same proportion in which the House of Commons represents them—provided, that is, that the House of Commons represents them fairly. At the same time, it ought to include men of eminence and experience in the political world, such as have formed the chief distinction of the House of Lords.

If the House of Commons does not fairly represent the main bodies of opinion in the country and cannot be made to do so, then there would be a good deal to be said for using the Second Chamber for this purpose, in order that it might serve as a barrier against violent changes not in accord with the real wishes of the nation—a danger which must always be present so long as the Commons are elected in the preposterous way now used, and so long as it is possible for a minority of 38 per cent. to obtain a sweeping majority in that House. Should the House of Commons continue to be elected on the present basis, the Second Chamber might be elected on the same franchise, but by the method of proportional representation.[1] But the result of this would be that, whatever limitations might be put upon the powers of the Second Chamber, its prestige in the eyes of the nation would soon be far greater than that of the House of Commons, precisely because it would be more representative. With its prestige, its power would grow. No Prime Minister, however large his artificial majority in the House of Commons, would dare to defy an adverse judgment of the more representative House: if he did so, it would be at his peril, as he would find in the next election; for, under the unstable system which now exists, a very small turnover of votes would suffice to sweep him out of power. Even the all-important question of finance could not long be kept out of the purview of

[1] I ventured to work out this suggestion during the controversy of 1910, in a little book entitled *Peers and Bureaucrats* (Constable).

a body so constituted; for, although it might, and no doubt would, be unable to reject or amend financial proposals, nothing could prevent it from passing resolutions in condemnation of them, which would have an effect upon the mind of the nation altogether different from that of such a resolution passed by the existing House of Lords.

The friction between the two Houses that would thus result would, no doubt, be very undesirable; yet it may be doubted whether it would be worse than the carrying of violent measures of change by means of a minority vote in the country, which is always a real possibility so long as the present system continues. But, in fact, we may be very certain that a Second Chamber constituted on such a basis will not be created. Those who insist upon maintaining the present unjust and dangerous system of election because they think a false majority is better than fair representation, or because they hope to win the dictatorial powers which a parliamentary majority confers without the necessity of converting to their views a real majority of the nation, are not likely to set up a Second Chamber of a kind which would defeat their ends.

The character of the Second Chamber is thus seen to depend upon the character of the House of Commons. If that House is to remain as unrepresentative, and as liable to the gambling chances of a vicious electoral system, as it now is, we shall need a strong and independent Second Chamber to guard against the real dangers created by this situation. And since, as we have seen, the provision of such a body by direct popular election on a proportional basis is most unlikely to be adopted, and would lead to dangerous conflict if it were adopted, the only other mode of providing a strong Second Chamber would be that of election by subordinate legislatures, on a proportionate

basis. But this depends upon the possibility of establishing a series of subordinate legislatures, which is remote; and even if this were done, there would be frequent friction, not easily overcome, between a Second Chamber thus constituted and the House of Commons—especially when the latter failed to represent fairly the real mind of the nation, as it commonly does.

We are therefore driven to the conclusion that there can be no satisfactory solution of the Second Chamber problem unless and until the House of Commons is made truly representative—unless and until, by that means, the nation is safeguarded against the possibility that absolute and unlimited power may fall to a well-organised minority of 38 per cent. or less. On that assumption, but only on that assumption, it will be unnecessary, in working out a plan for a Second Chamber, to conceive of it as a barrier against violent changes not desired by the nation. And since, in that case, it will be only the revising and deliberative functions of the Second Chamber that will need to be considered, the problem will at once become much easier.

If or when the House of Commons fairly represents all serious bodies of opinion in the country in proportion to their strength, the best way of constituting an efficient Second Chamber will be by the election of the bulk of its members by the House of Commons itself—not, of course, from its own numbers, but from the whole nation. Once elected, the members of a Second Chamber chosen in this way would naturally hold their places until the House of Commons was dissolved. A single proclamation would dissolve both Houses; and a new election to the Second Chamber would be the first business of the House of Commons after each general election. Perhaps 150 or 200 members might be elected in this way; and they might be reinforced by a much smaller group—not

rigidly defined, but not numbering more than about fifty—to be chosen in another manner, which will be suggested below.

Obviously the members of the Second Chamber ought not to be elected *en bloc* by a bare majority of the House of Commons. This would mean that whenever one party had a clear majority its leaders could nominate the whole of the Second Chamber; and that when there was a balance of parties two of the parties would be under a strong temptation to combine and divide the membership of the Second Chamber between them. The election would have to be carried out on a proportional basis. Possibly the recognised parties of the House might nominate members in proportion to their strength in the House, or in the country; or, better, every member might be entitled to put forward names, among which a selection might be made either by the single transferable vote or in some other way which would ensure a proportional result.

However the election was conducted, election by the House of Commons could be trusted to produce a distinguished body; for the aim of every party would be to send to the Second Chamber the most distinguished of its supporters in the country—men of reputation and weight, men who could put their point of view with ability and force.

It remains to consider how the smaller block of members should be chosen. The object of providing for this reinforcement is to ensure that the most valuable element in the existing House of Lords should be preserved. There should be some members who would sit for life. The membership of others should be limited to their tenure of the offices in respect of which they held their places. The first category might include, for example, ex-Cabinet Ministers not being members of the House of Commons; the Lord

Chancellor, the Lord Chief Justice and other eminent judges; and a number of men who had held certain great offices of State scheduled in the Act creating the new Chamber, such as the Viceroyalty of India, the governorships of the Dominions, and so forth. The second category might include the Presidents of a few great corporate bodies, such as the Royal Society and the Royal Academy, together with, possibly, the Vice-Chancellors of the Universities, a certain number of the Bishops, and representatives of other denominations. The Prime Minister might be empowered to nominate to membership any member of his Cabinet who was not a member of the House of Commons, in order that the Cabinet might have its mouthpieces in the Second Chamber; Ministers thus appointed would become members for life.

It is not necessary to labour the details of such a scheme, the categories of which would be defined in the Act constituting the Second Chamber; nor, of course, are these proposals anything more than suggestions. The essential thing is to show that a body constituted in this manner, with a large majority chosen by the House of Commons, and a minority sitting by right of distinguished service rendered to the community, would form an admirable Second Chamber. It would be distinguished in quality, and would therefore command public confidence; it would, because of its distinction, be likely to show a good deal of independence of judgment, which is very necessary. But it would be predominantly elected by the House of Commons, and would reflect the balance of forces in that House; and this would emphasise its essentially subordinate position. Finally, and most important, it would be eminently well qualified to perform the functions of revision and deliberation which we have seen to be the true functions of a Second Chamber.

The problem of relationship with the House of Commons, which is one of the most difficult aspects of all schemes for the reconstruction of the Second Chamber, would, in the case of such a body, be easily solved. The provisions of the Parliament Act could remain unaltered, though it is to be desired that some more satisfactory method of defining a Money Bill than the mere fiat of the Speaker could be devised. It has sometimes been suggested that a clash between the two Houses might be overcome by a joint session. That device has always been impossible while the House of Lords retained its present constitution, because in such a conference the Commons would be swamped. It would not be impossible, though it would probably seldom be necessary, with a Second Chamber of the kind suggested.

In its main features the scheme here outlined corresponds with that suggested by Lord Bryce's Committee on Second Chamber reform. That scheme never received serious consideration, because on one side there was a resolve to restore the strength of the House of Lords, and to re-establish the hereditary principle on solider foundations; while on the other side there were many who were hostile to the very notion of a Second Chamber of any kind, fearing that it would impair the supremacy of the House of Commons, and many more who were content to leave things as they are, believing that Samson had been safely shorn, and could be a useful slave. We believe that all these opinions are mistaken. The House of Lords can never be restored, and all the schemes which have had this in view have come to nothing. On the other hand, a Second Chamber is needed, not to limit or restrain the powers of the House of Commons, but to co-operate with it in making the process of legislation more efficient, and in making 'the control on behalf of the people' more real. And the House of

Lords in its present form cannot perform effectively the functions of a Second Chamber, because it fails to reflect the mind of the nation, and is apt to be out of harmony with the House of Commons. When a Conservative Ministry is in office, it practically abdicates the functions of criticism; when any other Ministry is in office, it still retains, under the Parliament Act, the power to hamper and delay the work of the House of Commons in a way that may be highly exasperating; and it is likely to use this power, though the course of national politics has, since 1914, denied it the opportunity of doing so.

Since the preamble of the Parliament Act promised a reform of the constitution of the House of Lords as a necessary sequel to the limitation of its powers, no serious attempt has been made to deal with the problem. But it must be dealt with if 'the control on behalf of the people,' which the House of Commons is too much occupied to be able to wield effectively, is not to continue to be as inefficient as it has been during the last generation.

CHAPTER VIII

OTHER METHODS OF CONTROL

I. *Devolution*

In the last three chapters we have considered the structure and working of the two Houses of Parliament, which are the only institutions provided by the constitution for the exercise of control over the Government on behalf of the people. We have been forced to the conclusion that, as things now are, the two Houses of Parliament are incapable of exercising the control that is needed; and we have examined a variety of proposals which, if adopted, would make their control more effective. But the functions of government and the activities of the bureaucracy are now so numerous and so varied, and they grow so steadily, that it may be doubted whether, with all the improvements in procedure that can be devised, the two Houses of Parliament can alone wield an adequate control over them. Parliament may have to be supplemented, if the vast machine of government is not to get out of hand.

The device which is most frequently advocated for relieving the burdens upon Parliament, and for making 'the control on behalf of the people' more direct and effective, is what is called Devolution—that is, the creation of subordinate legislative bodies for defined areas of the country, upon which various functions now inadequately performed by Parliament would be 'devolved.'

There is a strong *prima facie* case for such a change.

In no country in the world, except Japan, are the affairs of so large a population controlled by a single Parliament and Government as in Britain; and it must not be forgotten that the British Government and Parliament have to deal not only with the affairs of the 45,000,000 inhabitants of Britain, but also with an empire vastly greater and more diverse in character than any other sovereign power controls. France and Italy are 'unitary' States, like Britain; but their populations are smaller, and their external responsibilities far less exacting. In America there are no less than forty-eight State Governments and Parliaments in addition to the national Congress; in Germany there are eighteen. Canada has nine subordinate legislatures for a population of some 10,000,000; Australia has six for a population of 6,000,000.

It may well appear, therefore, that some measure of devolution is the obvious cure for the excessive burden that rests upon Parliament and the Cabinet. But although this idea has often been advocated in a vague way, no definite proposals have yet been put forward, nor has any political party yet committed itself to the advocacy of such a scheme. We have a habit of assuming that no political project should be regarded as 'practical' until it has become a subject of party controversy. For that reason, any discussion of 'devolution' is apt to seem academic; and any attempt to work out the details of it, so as to understand what it would mean in practice, must appear little better than a waste of time. Nevertheless the subject deserves examination; and it can only be usefully examined if we enter into some detail.

It is significant that one very large measure of 'devolution' has already been carried out—in Ireland. But it was carried out, on our part, very reluctantly, and not as an element in any deliberate scheme of

constitutional reform. It was forced upon us, after bitter controversy and civil war, very largely because we refused, at an early enough stage, to regard the creation of subordinate legislatures as a 'practical' or permissible device, but treated it rather as a measure of disruption.

Since 1921 the affairs of three-quarters of Ireland have been wholly withdrawn from the purview of the British Parliament by the creation of the Irish Free State, while the remaining quarter has been equipped with a subordinate legislature wielding large powers. Both of these changes demand attention, because they shed an instructive light upon the problem of devolution. The creation of the Irish Free State was, indeed, much more than a measure of devolution. The 'Dail Eireann,' or Irish Parliament, which sits in Dublin, is in no sense a subordinate legislature. It is an entirely independent body, as free from any semblance of control by the British Parliament as the Parliaments of Canada or Australia. The violent revolution (for it was no less) which led to the recognition of the Irish Free State as a wholly autonomous State enjoying 'Dominion status' within the British Commonwealth was the culmination of a century of conflict, during which the majority of the Irish people continuously maintained that the British Parliament neither understood nor sufficiently attended to the special needs of Ireland, and that these demanded the creation of a separate legislature. Forty, or even twenty, years ago, the Irish would have been content with less than 'Dominion status.' They would have accepted a subordinate legislature with defined (though very substantial) powers—that is, a form of devolution. The long denial of their demand brought about revolution instead of devolution; and the Irish Free State is, to all intents, an independent State, with its own army, its own tariff, its own coinage, its own flag.

The four counties of north-eastern Ireland, whose determined opposition to any form of 'Home Rule' was the main difficulty in the way of an earlier solution of the Irish problem, have been equipped not only with a subordinate legislature, but also with a group of separate Ministries, cut off from the control of the great centralised Departments in London. This is the only measure of true 'devolution' that has yet been carried out in this country; and although the area which it covers is a small one, the experiment seems to be working well. The withdrawal of all Irish questions from the British Parliament has undoubtedly relieved the pressure upon the time of the House of Commons. If that House had, since the war, been compelled to devote to Irish questions the time which it had to give to them before the war, it could not have dealt with the crowding problems of the post-war era: it would have broken down altogether, and its claim to control over national policy would have become altogether unreal.

Both in Scotland and in Wales there have long been demands, in some quarters, for the establishment of separate though subordinate legislatures. These demands have never been urged with the passion of the Irish demand, nor have they even had the support of a majority. But, like the Irish demand, they have been inspired by national sentiment. These smaller nations have no desire for independence, no wish to break up the long partnership of the three peoples of the Island from which all have profited. But both of them value their distinctive national characteristics, and want to cultivate them. In both there are elements which fear that the highly centralised Government in London may, by its constant pressure, 'iron out' these distinctions. The more active and powerful the highly organised bureaucracy of Whitehall becomes, the more these fears grow.

To some, the idea of 'devolution' means no more than the establishment of subordinate legislatures in Scotland and Wales. This would, of course, satisfy the nationalist sentiment of these countries. But if it were advocated on this ground alone, it would arouse strong opposition, not in England only, but in Scotland and Wales themselves. On the other hand, if it were advocated on the ground of relieving the pressure on the time of the House of Commons, it might reasonably be argued that the relief given would be relatively small. Neither Scotland nor Wales has ever claimed so inordinate a share of the time of Parliament as Ireland did in the nineteenth century. If both had separate legislatures, the House of Commons would still have to deal, for England, with almost the same number of Bills as before, and almost the same number of Estimates.

To afford any real relief to Parliament, a scheme of devolution would therefore have to deal with England as well, setting up perhaps half a dozen provincial legislatures, and assigning to them full responsibility for substantial departments of government, which would be withdrawn from the purview of the central Parliament. This was realised by Mr. Winston Churchill, when, soon after the war, he advocated a scheme of devolution as the only means of relieving Parliament; although his proposals were very indefinite, he pointed out that England (which includes six-sevenths of the population of Britain) would have to be broken up into several provinces. No other statesman of the first rank has yet ventured to advocate such a scheme, nor has Mr. Churchill ever returned to it. But that is no reason why we should not discuss the idea, if it be true that without some measure of this sort the control on behalf of the nation over its omnipotent Government cannot be made effective.

II. *The Dangers of Excessive Centralisation*

There are, in fact, two distinct arguments in favour of devolution. The first is the necessity of relieving the strain upon Parliament. The second is the importance of finding some means of limiting the excessive pressure towards centralisation which has become one of the most remarkable phenomena in our national life. This pressure is naturally most felt, or most resented, where national sentiment exists, and where it is expressed or upheld by distinctive institutions or modes of life which centralisation threatens to weaken or destroy. There *is* a national sentiment in Scotland or Wales; there is no national sentiment in Yorkshire or Devonshire; and therefore Scotland and Wales are more conscious of the excessive tendency towards centralisation than Yorkshire and Devonshire. But this does not mean that the tendency does not exist in England, or that we ought not to guard against it.

Little attention has been directed to this centralising tendency, or to its impoverishing effects. There is no country in the world, except France, where it is so strong as in Britain; there is no capital in the world, except Paris, which threatens so seriously as London does to suck into itself the vitality of the whole nation. Germany, for example, has many centres of vitality that rival Berlin; America has many that rival New York. The explanation of this contrast is that in this country government is completely centralised in London; while in Germany and in America it is largely decentralised.

The centralising process is most obviously exhibited in the increasing control exercised by the central Government over the local government authorities, which become, more and more, merely agents for the execution of the central Government's will. Every Act of Parliament which deals with any of the functions

of the local authorities (*e.g.* the recent Derating and Local Government Act) adds to the power of the central Departments. The chairmen of committees and the permanent officials of County and Borough Councils now find that they have to be continually running up to London to interview the officials of the Departments, besides constantly meeting in their own offices the Inspectors, Auditors, and other travelling representatives, whom the Departments send down.

The same process is at work in the sphere of trade. During the war every important industry and distributive trade was controlled from London; and, although this has come to an end, the Government (not Parliament) still plays a great part in shaping the policy of industry. There are frequent Government inquiries into the condition of one industry or another: representatives of these industries have to spend a great deal of time in travelling to London to attend the inquiries, to interview the officials of the Departments, or to meet the Prime Minister or a Committee of the Cabinet. Trade Boards sit, usually in London, to fix or revise the wage-rates of various trades under the direction of the Ministry of Labour. Fiscal duties are proposed on this commodity or that; and representatives of the industries concerned have to attend inquiries held by the Board of Trade—sometimes, also, they strive to influence members of Parliament in the lobbies, the clubs or the big restaurants. More and more, the industrialist has to work with one eye on his factory, and the other on London.

This is a reflection, and largely a consequence, of a process of concentration that has been going on in industry itself. The innumerable local banks, which used to cater for the needs of known local customers, have been swallowed up by gigantic corporations, notably the Big Five, which have their headquarters in London, and allow very little freedom of action to

their local representatives. Thanks to this concentration, the Government, acting with the Bank of England and the Big Five, can regulate the issue of credit: thus it was able to order the sudden and severe deflation which largely caused the trade collapse of 1921. The great shipping lines have been mostly brought under the control of a few gigantic organisations, which are managed from London. As a consequence, famous ports, such as Liverpool, which used to have an economic life of their own, have been reduced to subordination: the movements of their ships are ordered from London; and only subordinate officials now inhabit most of the palatial offices on Mersey-side. In Cardiff and Southampton even the docks are owned and controlled by Railway Companies, which have their headquarters in London. Huge industrial amalgamations, with factories scattered over every part of the country, are controlled and directed from grandiose offices in London, such as the majestic palace of Imperial Chemical Industries. Even those industries which have resisted the process of amalgamation have been driven to organise themselves in powerful alliances, such as the Mining Association, which usually find it necessary to maintain a headquarters office in London. The distributive trades are undergoing the same process: the huge department-stores of London are buying up similar establishments in the provinces; and the sale of groceries, drugs, tobacco, ready-made clothing, and other things is passing into the hands of multiple-shop concerns, which mostly have their headquarters in London. In the same way, the great Trade Unions, whose activities cover the country, mostly have their central offices in London; and it is from London that the orders go out commanding a stoppage in one place, or a stiffening of the restrictions upon overtime in another.

In other fields besides industry and commerce the process of centralisation goes on apace. The popular daily Press of London is extending its sales over the country, and making the continued existence of independent organs of opinion even in the big cities more and more difficult. A large majority of the newspapers sold in this country are produced in London, by a few great combines controlled by a handful of potentates, who have (or think they have) the power to direct the opinions of a major part of the nation. Almost the whole of the periodical Press, weekly or monthly, which influences opinion is issued from London. Very few books are now published elsewhere than in London: time was when Edinburgh, for example, had an independent intellectual life, but that time is long past. The theatres of London dominate the country: theatres in 'the Provinces' are, with half-a-dozen unimportant exceptions, merely booths for the accommodation of travelling companies from London. Broadcasting intensifies the intellectual ascendancy of London: the greater part of the country listens to the London programmes, and what it hears (which is now probably quite as important as what it reads) is dictated by the authorities at Broadcasting House.

It cannot be a healthy thing that the independence of outlook and the distinctiveness of the great provincial centres should thus be undermined; that their vitality should be drained away to an overgrown and dropsical city which is too large to have any distinctive character of its own. The increasing centralisation of our national life in London, and the increasing impoverishment of what are contemptuously called 'the Provinces,' are social and political facts of great moment. They deserve study; but a little book on the machinery of government is scarcely the place for a serious examination of the problem. All that we

are concerned with here is the bearing of the problem upon the question of devolution. Beyond a doubt, the concentration of all Government activities in London is one of the reasons for the concentration of other activities in London; and a measure of devolution might help to check the process. The need for reducing the pressure upon the House of Commons is, therefore, not the only reason for decentralisation. It seems clear that the intellectual vitality of Ulster has been stimulated by the creation of a subordinate legislature in Belfast. If a Parliament and a Government once more existed in Edinburgh, with whatever restriction of their powers, there would assuredly be a revival of the distinctive civilisation of Scotland. And a similar revitalising influence might follow the emancipation of the great provincial regions of England from the incessant pressure of Whitehall.

It is easy enough to make out a theoretic case for a large measure of devolution. The difficulty arises when we try to face the practical questions: What powers should be devolved upon subordinate legislatures, if they are to be set up? and, Over what areas should their jurisdiction extend?

III. *Possible Areas for Devolution*

If we are to contemplate a complete scheme of devolution, the first problem to be considered must be that of areas. These would have to be fixed partly in relation to population, partly as natural geographical regions, linked together by easy means of communication.

There would be no difficulty about the Kingdom of Scotland, with a population of about 4,000,000, or the Principality of Wales (and Monmouthshire), with a population of about 2,000,000. These are not merely geographical units, they are distinct nationali-

ties. Scotland, indeed, is already half-way to devolution. She has her own system of law, with its separate courts, its distinctive procedure, its own Bar and its own law officers. She has a group of administrative Departments of her own in Edinburgh, under the control of the Secretary of State for Scotland—one Minister dealing with an extraordinary diversity of subjects. Separate Bills have to be passed for Scotland on many subjects, and they are always referred to a Standing Committee consisting of all the Scottish members. In the case of Scotland, therefore, it would be a simple matter to carry out a measure of devolution; and what is so easy in the case of Scotland could not be very difficult in the case of Wales.

It is much more difficult to divide up England, in a satisfactory way, into Provinces suitable to be placed under subordinate legislatures and Governments. No attempt has yet been made to work out a scheme for this purpose. If we now make an attempt to indicate a series of possible areas, it is not with the idea of putting forward a cut-and-dried scheme, but solely in order to obtain a more concrete notion of what 'devolution' would amount to if it were decided to carry it out.

The first natural region would be London, enlarged to include the whole residential area dependent upon it. The population of this area would probably be something like 9,000,000. There are nineteen sovereign States in Europe—including Holland, Belgium, Denmark, Sweden, Greece and Portugal—which have a smaller population than this; and the problems of this area in education, health, housing, transport, and the organisation of local administration, stand by themselves, and ought not to be treated in the same way as the corresponding problems in other areas.

A second natural region would perhaps be that of the North-west—Lancashire, Cheshire, Cumberland and

Westmorland, the lands between the Pennines and the Irish Sea. It would have a population of about 6,000,000, equal to that of Sweden or Portugal; and its administrative centre might be at Preston, whence the railways serve every part of the area.

The ancient realm of Northumbria—Yorkshire, Durham and Northumberland—would form a third natural region, with a population of about 6,000,000, and its capital in the proud and ancient city of York.

The old realm of East Anglia, together with the kindred counties of Lincolnshire, Hunts, Cambridge, the Isle of Ely, the Soke of Peterborough, Bedfordshire, Hertfordshire and Essex, would form another natural region, roughly corresponding with Cromwell's Eastern Association—the richest agricultural land in England. Peterborough might perhaps be its most convenient centre of administration; and there would be a population of some two and a half millions—nearly as great as that of the Irish Free State or Norway.

The remaining ten counties of the Midlands, with Birmingham as their centre, would roughly correspond with ancient Mercia: this region would have a population of some five millions, greater than that of Switzerland.

Ten south-western counties, from Hampshire and Gloucestershire to Cornwall, would include a population of some four and a half millions, which might look to Bristol or Exeter as their capital: this region is, in effect, the Wessex of Thomas Hardy, and nearly corresponds with the ancient historic Wessex.

Finally, the three south-eastern counties, Kent, Surrey and Sussex, would be left as the smallest of the Provinces, yet not without a real unity of character, linked together as they are by the wealds. After deducting the areas attached to London, they would have a population of about 2,000,000, which is substantially greater than that of Northern Ireland.

This rough scheme for a division of England into Provinces is not seriously put forward. It is designed merely to show that it is not impossible to devise a scheme which would give us Provinces of substantial size, and of more or less distinctive character, each capable of being administered from a convenient centre. These Provinces may be compared with the four counties of Ulster, which have a Parliament and a Government of their own for a population of a million and a quarter; or with the Irish Free State, which maintains the whole machinery of an autonomous State for a population of little over three millions.

If a full scheme of devolution were to be adopted, each of these Provinces would be endowed with a subordinate legislature, and with a group of Departments of its own. Each would be responsible both for administration and for legislation in respect of the transferred Departments of government. Each would have to raise its own revenue to defray its own expenses; and there would have to be a definition, in the constituting Act, of the sources of revenue which they might use. But how would the 'transferred subjects' be defined? And how completely would—or could—they be transferred, in a country so closely knit as ours?

IV. *What Would Devolution Involve?*

To begin with, there are certain great functions which could not be transferred: foreign relations, imperial relations, defence, currency, tariffs, the administration of the National Debt, the Post Office, would necessarily remain under the control of the Imperial Parliament. But beyond this, where would the line be drawn?

In Northern Ireland there are (in addition to the Ministry of Finance, which would in any case be

necessary) five Departments, each with a responsible Minister at its head: Home Affairs (which include justice, police and local government), Education, Agriculture, Commerce, and Labour. If this analogy were followed, the centralised Departments in London now known as the Home Office, the Ministry of Health, the Board of Education, the Ministry of Agriculture, the Board of Trade, and the Ministry of Labour would disappear, and would be replaced by separate Departments for each of these subjects under the control of the subordinate legislatures, which would be responsible both for legislation and for administration in all these important fields. Obviously this would involve a considerable increase of administrative costs. On the other hand, closer supervision might yield counterbalancing economies, and there might be a useful adaptation of legislation to the varying conditions of different parts of the country.

There are, however, certain subjects in the Irish list which it would seem highly undesirable to transfer to provincial legislatures. One is justice. Scotland, indeed, already has her own distinct system of justice, her own peculiar procedure, her own separate law-officers; and naturally she would retain them. But it is not to be contemplated that half a dozen different legal systems should be permitted to grow up in England. On the other hand, there is no reason why the administration of the police system, and of prisons and reformatory institutions, should not be devolved upon the provincial legislatures.

Again, it would plainly be undesirable that the regulation of trade and industry should be conducted upon different principles in different parts of the country, or that there should be variations in Factory Law or in Company Law such as now exist (with unhappy consequences) in the American States. The great industrial combines, and the powerful Trade

Unions, do not confine their operations within demarcated Provinces, and the conflicts which arise between them are nation-wide. It would be intolerable that the rates of contribution or of benefit in respect of unemployment or sickness should vary from one part of the country to another. It seems to follow that the subjects of Commerce and Labour ought not to be among those transferred; they should be dealt with on a national basis.

What remains? Agriculture and fisheries, public health, housing, education, the relief of poverty, the regulation and organisation of local government, the maintenance of order. All these are subjects in regard to which subordinate legislatures might well wield large powers, subject to the ultimate sovereignty of the Imperial Parliament. Broadly speaking, all these subjects, including even agriculture, are already mainly administered through the local authorities; and they are the subjects which more especially bear upon 'the condition of the people question.'

Now it has long been apparent that the organisation of our system of local government needs reconsideration. The areas in which various authorities have jurisdiction are defined upon no clearly intelligible principle. In any case, the area which is suitable for one purpose (for example, education) is seldom suitable for another (for example, water supply). This problem has so many complexities that successive Cabinets and Parliaments, swamped with a multitude of functions, have quailed before it. Possibly a series of subordinate legislatures might tackle it with more success. There is no reason why there should be any rigid uniformity of method throughout the whole country; on the contrary, there is every reason for adjusting the organisation of local government to the varying conditions of different areas.

Even in these subjects, however, there are limits

to the amount of variation that is desirable or permissible in different parts of the country. And this brings us to the question of the relations that ought to subsist between the Imperial Government and Parliament on the one hand, and the Provincial Governments and Parliaments on the other.

Should the Imperial Government exercise any form of control over the Governments of the Provinces? Direct control would seem to be out of the question. It would destroy the responsibility of the Provincial administration. But some means of co-ordination and consultation would clearly be necessary. The Secretary of State for Home Affairs in the Imperial Cabinet might perhaps be charged with the duty of keeping in touch with the work of the subordinate administrations, holding, possibly, periodical conferences with their chiefs, and advising the Cabinet as to the use of that reserve power of overriding legislation of which the Imperial Parliament could not divest itself, though it would use it as little as possible.

Again, ought the work of the subordinate legislatures to be subject to review or disallowance by the Imperial Parliament? Ought their Bills, for example, to 'lie on the table,' and perhaps be examined by a Committee of both Houses before being submitted for the Royal Assent? This might be a vexatious and time-devouring form of procedure, apt to produce friction between the central and the provincial authorities. Another possibility suggests itself. The Provincial legislatures would presumably be single-chamber bodies; for it is unlikely that the elaborate double-chamber system of Northern Ireland would be reproduced. In that case, might it not be reasonable that the Bills passed by the Provincial legislatures should be submitted to the Second Chamber of the Imperial Parliament for revision? A reference of Bills from the subordinate legislatures to the Second

Chamber of the Imperial Parliament would seem more appropriate if that Second Chamber itself were formed by election by the Provincial Parliaments. That is a possible form of Second Chamber revision, to which we have already referred. These may seem to be remote and academic questions. But it is necessary to be aware of their existence; some answer would have to be given to them if or when any scheme of general devolution was framed.

A different, and a simpler, method of adjusting the relations between the central and the Provincial Parliaments is in use in Canada, where there are nine provincial legislatures for a total population of 10,000,000. This method was fixed by the Act of 1867, by which the various States, previously unrelated to one another, were brought into a federation far closer than that of the United States. The subjects with which the provincial legislatures may deal are defined in the Act, all other subjects being reserved for the federal Parliament. But in regard to some of these subjects the federal Parliament has a concurrent and overriding jurisdiction; and it is provided that nothing enacted by the provincial Parliaments may conflict with the law as defined by the federal Parliament.

It may perhaps be thought that this provision might be applied in a system of devolution. But there is a great difference between the conditions which are appropriate when a group of independent States are brought together in a new federation, and those which are appropriate when a closely-knit unitary State devolves certain functions upon subsidiary legislatures. In the latter case it must be obvious that the parent body necessarily reserves the power of modifying the conditions upon which the lesser bodies have been established, since it will, in doing so, only be amending its own enactment; in the former case the

arrangement is in the nature of a treaty between independent Powers, and therefore cannot be easily modified. When the Dominion of Canada was organised in 1867, the whole existing body of laws consisted of the laws that had been observed or enacted by the State legislatures—there were no others; and the provision that the provincial Parliaments should be bound by laws made by the federal Parliament could only refer to new laws, framed in view of the existence of the provincial Parliaments. But if the British Parliament were to set up a series of subordinate legislatures, and to provide that they should be bound by all its enactments, this would mean that they could not alter in any detail the whole mass of existing legislation, framed before the subordinate legislatures were even contemplated. This would so completely tie their hands as to make their establishment useless: indeed, it would condemn us to stagnation in all the transferred subjects.

We have examined in some detail the project of devolution to subsidiary legislatures, not because it is a subject of immediate and practical interest, for no political party has yet put forward any definite proposals of this kind; but because there are many people who airily assure us that 'devolution' is the only solution of the present congestion in Parliament, without having thought out what the term involves. Devolution is not the only remedy, as we have seen in previous chapters. But it is not unlikely to assume greater prominence in the future than has been given to it in the past, especially under the impetus of national sentiment in Scotland and Wales. It is therefore important that we should think clearly on the subject, before it is obscured by the fog of party controversy.

It has not been our purpose to put forward a definite scheme; we have gone into some degree of detail only

because that is the only way in which the issues can be made plain. Our aim has been solely to explore the subject. And the conclusion of our discussion would seem to be, first, that a large scheme of devolution is quite practical, but that it is only worth undertaking if it is applied, not merely to one or two regions, but to the whole country; secondly, that, in a closely-knit country such as ours, it would be essential to preserve in an effective way a real control by the Imperial Parliament over the work of the subordinate legislatures, and that this can be readily done, provided that the Second Chamber problem is satisfactorily solved; thirdly, that such a scheme would give an immense relief to the House of Commons, and enable it to do more thoroughly the work which it now perforce neglects; and, finally, that such a scheme would usefully qualify the tendency to excessive centralisation which is one of the most unhealthy features of recent development; while it might also provide the means for dealing—not necessarily on uniform lines, but with a wholesome variety of method—with the chaos into which our system of local government seems progressively to be falling.

V. '*Functional*' *Devolution and Industrial Self-Government*

The creation of Provincial legislatures is not the only way in which devolution might be effected. Another method would be the creation of special bodies organised on a national scale to deal with particular subjects, and including representatives of the interests more immediately concerned. This may be called 'functional,' as opposed to 'regional' devolution. There is only one sphere in which the adoption of this method has been seriously proposed—that of economic affairs, which, as we have seen, could

not be safely devolved upon regional or Provincial legislatures.

The most sweeping proposal of this kind was that which was put forward by Mr. Sidney Webb (now Lord Passfield) in his *Constitution for a Socialist Commonwealth*, in which he suggested that there should be two Parliaments, with concurrent powers, one for political and the other for economic affairs. But it would be quite impossible to draw any clear line between these two spheres; and even if an arbitrary line were somehow drawn, there would be inevitable and ruinous friction between the two rival Parliaments. For these reasons, not even the most loyal and habitual admirers of the Webb philosophy have found a word to say in defence of this unworkable project; and it need not further delay us. But the fact that such a project could even be suggested by an economic thinker of such high standing may be taken as a proof that the need for a special treatment of economic problems is felt to be real.

The only modern State in which an attempt has been made to meet this need is Germany, which has had, since 1920, a Federal Economic Council (*Reichswirtschaftsrat*). This body is the culmination of a hierarchy of economic bodies, rising upwards from the Works Councils which are compulsorily maintained in every factory. It has a membership of 326, who are divided into ten groups, covering every aspect of the economic life of the nation: besides the industrial, commercial and agricultural groups, there are a group representing Government officials, a group representing the consumers, and a group which includes leading economists. This remarkable body acts through twenty Standing Committees, and the whole assembly meets about once in two months to consider the reports of its committees. All Government legislative proposals on economic questions have to be submitted to

it for consideration before they are introduced in the Reichstag (Parliament). The Economic Council also has the right of initiating legislation. There have been variant opinions as to the degree of success which the Economic Council has attained during its ten years of existence. But the preponderant opinion is that, while it is cumbrous and often becomes a mere debating society, it has performed a valuable function both in easing the relations between labour and capital, and in enabling those who will be chiefly affected by the working of a new law to express their opinion about it before it is enacted. The debates in the Economic Council have led to modifications in Bills before they were introduced; they have exercised a real influence upon the course of discussion in the Reichstag; and they have probably reduced the time necessary for Reichstag debates.

A further advantage which results from the existence of such a body as the Economic Council is that organised economic interests find in it an organ in which they can be directly and proportionately represented, and in which they can make their opinions felt on matters that directly concern them. There is therefore less reason why these interests should strive to secure representation in Parliament, and by so doing distort the parliamentary representative system. When the employers and the Trade Unions in all the great industries know that they have their spokesmen in a body which will have the chance of discussing every measure affecting them, they are less likely to spend their funds in forwarding candidatures in ordinary parliamentary elections.

An institution similar to the German Economic Council nearly came into being in this country after the war. In 1919 a National Industrial Conference was called by the then Government. It included representatives of employers and Trade Unions in

most of the principal industries; it passed a number of resolutions on economic policy; its members felt that it had made a useful contribution to mutual understanding between labour and capital; and they urged that meetings of this kind should be held at regular intervals.

This experiment has never been repeated. But in many quarters the establishment of a National Industrial Council, or an Industrial Parliament (as it is sometimes loosely called), has since been strongly advocated. The phrase 'Industrial Parliament' is apt to be misleading, since it suggests an independent power of legislation which would invade the responsibility of the Government and the House of Commons; and, with the exception of Lord Passfield, nobody has seriously advocated such a change. What has usually been advocated is a body representative of all the chief industrial interests, which would have powers of discussion similar to those enjoyed by the German Economic Council. Such a proposal was adopted by the Liberal party in 1921; it has also, though more vaguely, been advocated by the Labour party; and a scheme of this kind was the principal recommendation of the conference on industrial relations held in 1928 under the joint presidency of Lord Melchett and Mr. Ben Turner.

The establishment of such a body, even by Statute, would not in any true sense be a measure of devolution, since the National Industrial Council would be only a consultative body, not a legislative or administrative body, and every recommendation which it adopted would have to be subsequently endorsed by Parliament before it could obtain the force of law. But it is thought by the advocates of the scheme that if Government measures on economic questions (such as a new Factory Act or an amendment of the Unemployment Insurance scheme) were submitted to a National

Industrial Council before being debated in Parliament, the result would be a more searching and a better-informed discussion than Parliament would be likely to give, and that this might greatly abridge the subsequent discussion in Parliament. It is also thought that such a body might usefully initiate projects of reform which (after being put into the form of Bills in the Departments concerned) might come before Parliament with the weight of an expert and non-partisan body behind them, and would therefore be likely to have an easy passage. Thus, without the formal devolution of law-making powers, some of the advantages of devolution would be gained in a field of great complexity and difficulty.

There are sundry difficulties and dangers in this proposal which may not be insuperable, but which are apt to be too lightly brushed aside by its supporters. The first is the difficulty of ensuring that all the trades and industries in the country are fairly and proportionately represented. A mere election of so many members from the Trade Union Congress on one side, and so many from the Federation of British Industries on the other, would not (so some critics believe) give a real representation of British Industry; it would rather produce a balance between the militant wings on the two sides; it would bring together the people who like talking on committees, rather than the people who like to attend to their business. Again, there is a possibility that the result might be an agreement between capital and labour at the expense of the community. The tradition of an equal representation of 'two sides' is so strong in British industrial discussions that there would probably be no room for the representation of the consumers and of the scientific economists which forms an essential element in the German scheme. These elements would be regarded as holding the balance, and therefore as wielding

control; or as weighting the scales on one side or the other. Finally, there is a fear that a large body of this kind might be useless as a means of discussion, and that its meetings might degenerate into a fruitless wrangle between two opposing sides. If it was to represent every industry, it would have to be comparable in size to the House of Commons; but there would be no 'Government' to determine the subjects of discussion, or to guide the course of debate. These difficulties are not insuperable; but they need much fuller consideration than they have yet received before a new institution of this character can be successfully launched.

A more modest scheme, not incompatible with the establishment of a National Industrial Council, was suggested in the remarkable survey of industrial problems known as *Britain's Industrial Future*. It was there proposed that a small working body of about twenty-four members, consisting partly of Trade Union leaders, partly of representative employers, and partly of persons nominated by Government, should be set up as a statutory advisory body attached to a proposed new Ministry of Industry. All Orders issued by the Ministry, such as those by which wage-rates are fixed under the Trade Board Acts, would be submitted to it for discussion and report; Bills dealing with industrial matters would undergo its criticism before being introduced in Parliament; and it would exercise a general supervision over the machinery of industrial negotiation in all trades, and over the movement of wage-rates, and the influence of rings and combines upon price-levels. Such a body could only be advisory. It could not be endowed with formal legislative authority, and therefore its establishment would not, strictly, be a measure of devolution. But it would serve many useful purposes. It would submit the 'administrative legislation' of the Depart-

ments concerned to effective criticism. Its views on legislative proposals would often lead to their being modified before introduction, and would have great weight in the House of Commons when the Bills were introduced. In both of these ways its work might substantially reduce the time necessary to be given to the Committee stage of such measures. In any case, it would ensure that the increasing power of regulation now exercised by the Government would not be left wholly in the hands of officials, but would be subject to competent and instructed criticism. If all the Departments concerned in industry and commerce were grouped together in the manner suggested in an earlier chapter (p. 112), such a body might well be attached to the whole group, in an advisory capacity.

In the comprehensive scheme of industrial reform from which this proposal is drawn, there is a carefully wrought-out scheme of industrial self-government, to be carried out by means of Industrial Councils in every organised industry, and by Works Councils in every factory above a certain size.[1] This scheme, which deserves study as the most fully thought-out scheme of organised co-operation in industry that has yet been published, does not here immediately concern us, except that it proposes, under certain safeguards and conditions, to confer upon Industrial Councils the right of legislating for their industries, subject always to the supreme authority of Parliament. This would mean that regulations regarding wage-rates, the hours and conditions of labour, and similar subjects, would 'lie upon the table' of both Houses for a period, and, if not challenged, would obtain the force of law, and be enforceable in the courts. Before such a system could be safely established two things would be necessary. In the first place, since a change in one industry may deeply affect others, any proposal of this kind ought

[1] *Britain's Industrial Future*, Chaps. XVII, XVIII.

to be considered by a body representing industry as a whole, such as the advisory council discussed in the last paragraph, and the views of such a body should be available to Parliament before it endorsed the proposed regulation. In the second place, it would be necessary that the provision made for the discussion of such proposals in Parliament should be more adequate than it now is: we have already suggested (pp. 233–237) means by which this could be done.

The task of regulating industry, which necessarily falls upon the State, becomes every year more complex and difficult, as the organisation of industry itself becomes more complex. There are some who assert that the State ought not to meddle in this sphere at all. That is a wholly untenable doctrine. No Government in history has ever been able to act upon such a principle, or negation of principle; and it is less possible to act upon it to-day than ever before. The State exists for the purpose of securing peace, justice and liberty for all its citizens, and this obligation does not cease in the industrial sphere. Vast industrial combines are coming into being: they carry on their operations under the Company laws of the State; and it is only by an intelligent use of the State's inalienable power of regulation that they can be prevented from becoming dangerously powerful, and wielding a tyranny over great fields of our common life. The old relationship of master and servant is almost dead: in its place is rising a demand for a new relationship of free partnership, appropriate to the citizens of a democracy; and to enforce this vague demand, huge and powerful organisations of workpeople have come into being. The State has to maintain the peace, and to do justice, between these rival forces. Already it has assumed functions of immense importance for the purpose of ensuring better and freer conditions of life for all its citizens, and it is bound to assume yet more.

If the State does not interfere in industry, organised industrial interests will interfere with the State. They are already doing so, filling the benches of the House of Commons with their nominees, and turning political parties into their instruments, on one side or the other.

When we speak of 'the State' interfering in industry, what exactly do we mean? Primarily we mean the powerful, able and public-spirited bureaucracy of the great Departments. But the characteristic and inherent defects of bureaucracy are nowhere more patently displayed than in industry. They need to be watched, to be criticised, to be controlled. The function of control belongs to Parliament, but we have seen how impotent Parliament is to exercise this function. Even if the pressure upon its time were less, even if it were emancipated from Cabinet dictatorship, it is not necessarily well equipped for this kind of work in a highly technical and complex field. It needs to be supplemented. The value and significance of the experiments and proposals which we have been surveying in this section are that they are attempts to supplement Parliament, to find means whereby industry itself may bring its own criticism to bear directly upon the work of government, without derogating from the ultimate sovereignty of Parliament. This is probably one of the greatest political tasks of the near future—to adjust the regulation and organisation of industry to the needs of a democratic society. It is impossible to deal adequately with the subject here, because it would necessitate a large amount of detailed economic argument, which would be out of place in a little book upon the machinery of government; but the subject is carefully and soberly treated in the book, *Britain's Industrial Future*, to which we have already referred. It must suffice here to say that a considerable degree of 'functional

devolution,' a calling into counsel of the representatives of industry, is indispensable if the inevitably growing activities of the State in the industrial sphere are to be carried on intelligently, and without detriment to industry.

VI. *Control by Organised Interests Outside of the Constitution*

In the foregoing sections of this chapter we have considered various proposals for the creation of new institutions—new constitutional organs—which might supplement or assist Parliament in controlling or criticising the work of the Government. But there are also other means of criticism, if not of direct control, which are outside the recognised machinery of the Constitution, but which are very effective, and may even become dangerously powerful. During the last generation, as the functions and the power of the Government have increased, and as Parliament has become more and more incapable of controlling them, sundry forces have been organising themselves either to resist the power of the Government, or to bring pressure to bear upon it. The upgrowth of these organised forces has been one of the most significant features of a period of very rapid constitutional development; and we are, perhaps, insufficiently aware of the formidable power which they often wield.

The earliest and the most natural form which these activities assumed was the exercise of pressure upon parliamentary candidates—in itself a perfectly legitimate thing. This practice was probably most highly developed by the drink trade, because that trade has always been under a high degree of State regulation. It seems to have been the first organised interest which realised how much could be done by supporting, financially and otherwise, a particular political party.

The exercise of pressure upon parliamentary candidates has become the normal means of action by organisations of many different types, from the League of Nations Union and the British Legion to the Anti-Vaccination Society and the Police Pensioners' Society. The multiplication of these demands for pledges and promises no doubt adds to the troubles of the candidate, and often commits him to action on subjects which he does not fully understand. But no one can reasonably challenge the right of bodies of electors to put questions to, and make demands of, parliamentary candidates. What is, in a constitutional sense, much more serious is the tendency of certain organised interests to bring pressure upon the Government, not through Parliament, which is supposed to be the mouthpiece of the nation, but directly, thus turning themselves into new forces of control over the Government. That such action should be felt to be necessary is in itself a proof that Parliament is felt to be an inadequate means of control.

One of the most striking recent developments of this kind is the organised action of the local authorities, through which so large a part of the work of government has to be carried on. To meet the increasing pressure of the Government Departments, local authorities of different types have found it necessary to organise themselves in Associations for common action. When thus organised, they can wield a power which no Government can afford to disregard; and in all matters affecting local government they tend to become an organ of criticism and even of control far more potent than Parliament itself. A Government which feels that—secure in the possession of a docile majority—it can afford to disregard the criticism of other parliamentary parties, will listen with respect to the representations of the combined local authorities. The most striking evidence of this was provided by the

discussion on the Derating and Local Government Bill of 1929. The real discussion of this measure took place outside Parliament, in conferences between the Ministry of Health and the local authorities, who wrested from the Minister large concessions and amendments which he would never have accepted in Parliament. The Minister dared not proceed until he had come to an agreement with the local authorities; but the discussion in Parliament was ruthlessly guillotined. In this instance the effective control over the legislative policy of the Government was unquestionably exercised outside of Parliament; and no episode in parliamentary history has more strikingly illustrated the impotence to which Parliament has been brought, in a field which has always been regarded as peculiarly its own, by the dictatorship of the Cabinet. The local authorities were right to do what they did; but the fact that they had to do it in this manner, and not through their party-bound representatives in Parliament, is a highly significant illustration of the modern development of our system of government.

The control of finance, even more than the control of legislation, is supposed to be the peculiar prerogative of Parliament. We have already seen (pp. 220–230) how futile this control is in practice. The influence over the financial policy of the Government that is wielded by Parliament—more particularly when the Government has a majority—is negligible in comparison with the influence that is wielded by the power which is conveniently summarised as 'the City'—the power of the Banks, the big financial houses, and the Stock Exchange. This influence is exercised, not at all through Parliament, but by direct and private pressure upon the Chancellor of the Exchequer and the Treasury, and this pressure is all but irresistible because of the frequent operations of the Treasury in the money-market. Was it Parliament which con-

trolled the Government when the policy of rapid deflation was adopted, or when the sudden and premature return to the gold standard was decided upon? In these cases, which profoundly affected the prosperity of the country, the real control was exercised, not by Parliament, but by 'the City.' It was only necessary for 'the City' to bring pressure to bear upon the Treasury. Parliament, under Cabinet dictatorship, had nothing to say in the matter, except by way of comment after the event. Perhaps this was inevitable; but at least it is instructive to observe where the real control lies.

In the field of industry the same process seems to be at work. Because the Government is playing a more and more active part in the regulation of industry, the directors of industry seem to be organising themselves for common action, not through Parliament, but directly by influencing the Government. The Federation of British Industries—a post-war creation—undoubtedly conceives the exercise of this kind of pressure as one of its aims. It has not yet taken any such overt action as the municipal associations have taken; its influence is as yet indirect. But we may yet see the day when the real debate upon some measure fathered by the Board of Trade will be carried on between the President of the Board and the Federation; and Parliament will be called upon merely to endorse the decisions thus reached.

Again, organised Trade Unionism has recently—mainly since the war—begun to deal directly with the Government, in spite of its strong representation in Parliament, and has even attempted to dictate the course of national policy. Having received an enormous accession of strength during the war, and in the years which followed, the Trade Union leaders were persuaded that their power was irresistible, because they could, by calling out the workers, put a

ſtop to all the moſt vital activities of the nation. Armed with this apparently unconquerable weapon, they were for a time tempted to claim a control over the Government's policy, in complete disregard of Parliament. In 1920 they formed a Council of Action to force a change of foreign policy upon the Government by the threat of a general ſtrike. Nothing came of this, because the policy of the Government was not what the Council of Action supposed it to be; but the threat was a very grave one. Again, in 1921 the Triple Alliance of railwaymen, transport-workers and miners threatened to hold up the whole business activity of the nation unless the Government compelled the mine-owners to accept the demands of the miners. The Triple Alliance broke down at the laſt moment; but the menace of a general ſtoppage of work at the dictation of a group of Trade Union organisers ſtill overhung the nation. At length, in 1926, the threat was carried into effect, and the General Strike took place—a declaration of war againſt the nation as a means of dictating to the Government. While it lay in its dark lair breathing fire, the ogre General Strike had seemed very terrible. But when it came forth, it was seen to be a flabby and shambling ogre, and in a very few days the ſtrike broke down. It is not likely to be renewed. But the fact that it should have taken place at all, in a democratic society in which, in theory, every citizen has an equal share of control over the Government, is highly significant.

All these attempts to dictate to or control the Government by organised special intereſts outside of the regular machinery of the Conſtitution are, of course, exceedingly dangerous, whether they are made privately and behind the scenes, or openly and publicly. But it is futile merely to condemn them as wrong or unconſtitutional. It is useleſs to say that the methods of conſtitutional action are open to those who are

dissatisfied with the policy of the Government, that the Government is under the control of Parliament, and that Parliament represents the whole nation. For the plain fact is that the Government is *not* under the control of Parliament, and that Parliament does *not* accurately reflect the mind of the nation. It is precisely for these reasons that attempts at control from outside of Parliament, by direct pressure upon the Government, have been, and will continue to be, made. At the time when the Council of Action and the Triple Alliance were issuing their threats, a Ministry was in power which had a majority in the House of Commons of nearly four to one, though it had only obtained 52 per cent. of the votes of the electorate: could anybody pretend that the opinions of the remaining 48 per cent. could obtain adequate expression in Parliament? At the time when the General Strike was called, the Government, supported by a disciplined majority of two to one in the House of Commons, was actually in a minority in the country. The majority in the country would certainly have desired to see the coal problem (which brought about the General Strike) handled in a very different way from that which the Government adopted; yet they were impotent to influence the Government's policy through Parliament.

It is, unquestionably, perturbing that these unconstitutional forms of pressure or control should be used. But there will always be a temptation to use them so long as Parliament fails to represent fairly every substantial body of opinion in the country; and so long as the Government continues to wield the unqualified dictatorship which it exercises whenever it has a parliamentary majority.

VII. *Public Opinion : the Pulpit, the Platform, the Press*

Behind the Government, behind Parliament, behind all the forces which, legitimately or illegitimately, attempt to control or influence the Government, is the vague, elusive, omnipotent power of Public Opinion, which is the final court of appeal. When it is clear and decided, nothing can ſtand againſt it: the General Strike, for example, crumbled before its disapproval. The ſtrongeſt of Governments dare not disregard it. Even despotisms fear it. The despotisms of Italy and Russia to-day, like the despotisms of Napoleon and Metternich in the paſt, ſtrive to prevent its formation and expression by suppressing freedom of speech and of the Press; or, more subtly, they attempt to mould and guide it. It *can* be moulded and guided: it was said of pre-war Germany that 'Public Opinion in Germany is an orcheſtra which answers only to the baton of the Government.' It is the moſt diſtinctive mark of a free syſtem of government that under it the formation and expression of Public Opinion are free and uncontrolled, and that every organ of Government is highly sensitive to it. But this only means that every intereſt can do what it likes to mould or guide opinion; and the result is that, in a free society, Public Opinion is, except on a few main issues, extraordinarily diverse, variable, and difficult to interpret.

It is, indeed, possible to perceive a clear and definite trend of the current of Public Opinion in certain directions: thus, to-day, it is set towards international concord, and towards active sympathy with the underdog; and againſt these currents the ſtrongeſt swimmer cannot make headway. When we compare the main currents of Public Opinion to-day with those of a century ago, or two centuries ago, we can appreciate the element of truth in Rousseau's doctrine of the General Will as the ultimate controlling force in

human affairs. But on the means of attaining these wide aims, and on all the issues of current politics, Public Opinion is exceedingly fluctuating and uncertain, because it is based upon very imperfect knowledge. It is guided by sentiment, by sudden gusts of feeling, rather than by reason; its heart is stronger than its head. It needs leadership; it needs education. One of the greatest dangers of democracy is that it may tempt men of ambition to listen for Public Opinion rather than to guide it; and its voice is so variable that the man who takes it as his guide will continually go astray. The man who keeps his ear to the ground cannot see the horizon. Another grave danger of democracy is that it may give power into the hands of those who know how to frame an appeal to what is called 'mass-psychology,' and are willing to make a cynical use of their skill for their own ends. This danger is peculiarly great under an electoral system such as ours, which gives decisive power to the wavering margin of excitable and uninstructed voters.

The forces which mould Public Opinion are therefore of supreme importance to the working of a democratic system. If these forces are corrupted, the consequences may be grave indeed. It is commonly said that Public Opinion is in the main moulded by 'the three P's,' the Pulpit, the Platform and the Press; but modern invention has added to these two more—Broadcasting and the Cinema.

Time was when the Pulpit—if the word may be used to cover all the influences of the Churches—was probably the most potent of all moulding forces. In the nineteenth century the influence of the Churches largely determined the lines of British imperial policy; it dictated the abolition of slavery, and the adoption of a new attitude towards backward and dependent peoples. The reports of the missionaries scattered over the world, which were brought home to the myriads who

subscribed the funds by which they were supported, guided Public Opinion; and statesmen dared not disregard the verdicts of 'Exeter Hall,' where the annual meetings of the missionary societies were held. In home affairs the same powerful influence supported the philanthropic use of the power of the State to protect the victims of industrialism: in public life Lord Shaftesbury was the spokesman of this spirit. The Nonconformist Conscience (which was by no means exclusively Nonconformist) was one of the principal moulding forces in British policy; it exacted from British statesmen a standard of life and conduct which was, no doubt, narrow, and sometimes hypocritical, but which was also lofty. The influence of the Churches is still strong to-day: it has powerfully contributed, for example, to the strong hold upon the imagination of the people which the ideal of the League of Nations has obtained. But it is no longer as potent as it was, partly because the Churches have lost their hold over a large proportion of the nation; partly because they are, for the most part, afraid to apply the standards of religion to public policy, lest they should give offence. Religion, it is said, should stand aloof from politics. Yet it must be a bloodless religion of which politics will not be the most practical application.

The power of the Platform is a very modern thing. Until late in the nineteenth century, political speeches to the general public were rare, except during the actual excitement of an election; and statesmen of any standing would have thought it beneath their dignity to defend their own policy or to attack their opponents' elsewhere than in Parliament. The work of the Anti-Corn-Law League (1839–1846) was the first great platform campaign ever seen in England; it provided an extraordinary proof of the potency of the Platform as a means of moulding Public Opinion. Gladstone's

Midlothian campaigns (1878–1880) were the first great examples of an appeal, by a powerful political leader, from the court of Parliament to the supreme court of Public Opinion. Critics exclaimed against Gladstone's action, on the ground that it would undermine the authority of Parliament. To a large extent they were right. Since that time the main debate upon great public issues has taken place, not in Parliament, but on the Platform. When Cabinet dictatorship was reducing parliamentary discussion to unreality, it was inevitable that the real debate should be transferred to the country, where the decisions are made as to which party shall have the right of wielding this dictatorship. Gladstone's Midlothian campaigns coincided with the beginning of that elaboration of party organisation which, as we have seen (pp. 120–126), has been one of the most momentous changes of the last half-century. The public meeting has become the principal means of forming Public Opinion. It is used, not only by the regular political parties, but also by a multitude of other organisations, such as the League of Nations Union: the hundreds of little meetings, usually unreported in the Press, which are held every month by this organisation have certainly contributed greatly to the formation of Public Opinion on a subject of vital importance.

Time was when the influence of a public meeting was multiplied a hundredfold by the sounding-board of the Press, which filled its columns with verbatim reports of the pronouncements of political leaders. A surprisingly large number of people read these long speeches, which therefore had a great influence upon opinion. But this is no longer done. People will not read long speeches, or, at all events, editors think they will not. The flood of political oratory has become so immense that it cannot be reported. There are only a few political leaders whose speeches are

ever reported at all, and even these often get no more than a few colourless lines. But the neglect of the Press does not mean that the Platform has lost ground. The spoken word, the visible presence of the speaker, still have their power. The chief results of Press neglect are that the gap between the authoritative leader and the ordinary speaker has narrowed; and that the number of meetings and speeches has been enormously increased—quantity has made up for quality. During the months preceding the general election of 1929, it was announced that one political party alone was holding about a thousand meetings a week. Imagination boggles at the thought of this incessant precipitation, this Scotch mist, of oratory, which is falling upon the country week by week, and becomes as heavy as the rains of Cherrapunji when an election draws near. Its influence must not be disregarded because we hear nothing of it in the Press. The growth of the Labour party in face of the almost unanimous opposition of the newspapers shows how powerful it is.

The methods of the Platform change continually. Since it is impossible to reach the enormous modern electorate by means of the old-fashioned type of meetings in halls, these are being supplemented—not replaced—by meetings out of doors: the soap-box has reinforced the Platform proper. In this field the Labour party led, and still leads; but the other parties are following suit. Modern inventions have come to the aid of the speaker. Wireless makes it possible to transmit speeches from one hall to many others, or to shifting crowds in the open. Loud-speakers, carried on motor-cars, give the speaker an immense advantage over his opponents, and enable his voice to be heard in every house in a long street, or to the utmost limits of the largest crowd. The gramophone comes to the aid of the loud-speaker, gathering a crowd with

popular music, or reproducing a speech by some famous man whose voice would otherwise never be heard by the mass. The Platform keeps its ascendancy as the most potent means of forming Public Opinion. But these modern methods are costly, and demand the services of many speakers; and this means that party organisation must become more elaborate, and that the power of influencing Public Opinion depends largely upon the depth of the purse of those who try to influence it. Truth, it would appear, cannot prevail unless it is backed by Money; and in politics, as in war, Providence sometimes seems to be on the side of the big battalions.

If this is coming to be true even in regard to the Platform, it is manifestly true in regard to the Press. Here a change of momentous importance has been coming about during the last generation. In theory the Press is free: in practice its freedom is being limited by the power of Money. The cost of producing and distributing a daily, or even a weekly, newspaper has become so high that only great wealth can undertake it. No paper can be profitably run on circulation alone. It must attract advertisements; and it must attract them on a very great scale, and at very high prices, if it is to be able to pay for contributions which make a popular appeal, or to provide the various benefits and stunts—the free insurance and the big prizes—which bring in the mass of readers. But it cannot get paying advertisements unless it has an immense circulation. Thus the establishment of a daily newspaper necessitates an immense expenditure before it is brought to a paying stage; and its equipment involves a vast outlay of capital. Even a weekly paper demands a very large outlay, and its promoters must face a long period of heavy loss before it attains the circulation which brings advertisements. Hence no body of opinion, however large, can obtain an

organ for itself unless it can command very large funds; and, lacking organs of its own, its voice will be drowned. Hence, also, the control of the popular Press passes into the hands of those who can command vaſt financial resources. In recent years we have witnessed the rise of huge newspaper combines, whose tentacles extend over the whole country; the great majority of the newspapers purchased in this country are supplied by these combines. They are controlled by small groups of men, who wield dictatorial power over their policy. The bulk of the capital is provided by public inveſtment; but by the devices which modern financiers have worked out—by having a high proportion of preference shares which have no voting powers, by creating a pyramid of 'holding companies' which own 51 per cent. of the ordinary shares, and by other such methods—one or two men are able to wield absolute power, and the shareholders have no control whatsoever. The irresponsible power of these great newspaper combines is one of the moſt significant and ominous features of our time, especially as the combines are ſteadily buying up, or crushing by their competition, more and more of the independent Press throughout the country. The fact that the organs by which the mass of the nation is supplied with facts and indoctrinated with opinions are now largely in the hands of a few men who are responsible to nobody for the use they make of their power, is a political fact of momentous importance.

The wielders of this immense power are tempted to think of themselves as king-makers, and to believe that their readers take their opinions from them, that they can impose their own views upon political leaders, that they can secure for one party or another the majority which spells dictatorship. Lord Northcliffe believed that he had enthroned Mr. Lloyd

George, Lord Rothermere that he had dethroned him; Lord Beaverbrook thinks that, by means of his widely circulated organs, he can impose upon the nation a policy which most people think would be ruinous if it were not visionary. These magnates are, happily, much less powerful than they think. Their readers seem to give curiously little attention to the views which are propounded in the leading articles. But if the 'views' section of the newspaper is not so potent as its proprietors think, they can wield a much more subtle but a much more powerful influence by skilful handling of the 'news' section, since it is through this that the vast majority of readers obtain the whole of the material upon which their opinions are formed. News have to be selected; their effect depends upon the way in which they are presented; and a policy or a party can be far more effectively weakened by silence than by criticism. The impression that the Liberal party no longer counted, for example, was far more effectively diffused by complete silence about everything but its difficulties than by any other means. The power of handling the news, and of deciding how much the nation shall know, is a very formidable power.

The problem of the Press is, in truth, a problem of great difficulty and of immense importance. It is dangerous indeed that so great a power of shaping the opinion of the nation should be wielded by so small a number of men. In so far as a solution can be found, it will probably be by an amendment of Company Law; together with a reduction of the costs of production of newspapers. But this is not the place for any discussion of these possibilities.

A new and immeasurable power of influencing opinion has come into being with the invention of Broadcasting. Every day and every night, in a million homes and more, people are listening at their

own firesides to facts and opinions which must profoundly modify their thinking. In this country Broadcasting is a State monopoly, and this has grave dangers. The Broadcasting Corporation has, it is true, a considerable degree of independence. In so far as it has hitherto touched the sphere of politics, it has doubtless striven to attain impartiality, and on the eve of a general election it gives opportunities to the spokesmen of all parties. But at other times it is freely used by the Government for the presentation of its point of view; in 1926 it became one of the most potent instruments for the defeat of the General Strike. It is an extraordinarily powerful means of moulding and directing Public Opinion; and the more subtly it is employed, the more powerful it becomes. In America there are many rival broadcasting systems; here there is only one, and it is ultimately under the control of the Government. In such circumstances there is a danger that it may become, not the means of creating an instructed Public Opinion which will criticise and control the Government, but rather the means of establishing the ascendancy of the Government.

Thus the forces that mould and guide Public Opinion are not as healthy as they might be; its formation and expression are not as free as they might be, being too much under the control of wealth. Those who wish to advocate causes which are not supported by great wealth or by elaborate organisation have no easy task: however eloquent and disinterested they may be, their voices are apt to be drowned by the clamour of purchased loud-speakers.

SUMMARY AND CONCLUSIONS

It is often said that the nineteenth century was a period of constitutional and political change, but that this work is now complete, and the twentieth century will be a period of social and economic change. This statement, which is repeated as if it were an axiom, is mere nonsense.

In the century from 1801 to 1900 there were only three legislative changes which directly affected our system of government—the three Reform Acts of 1832, 1867 and 1884; the nineteenth-century Parliaments gave far more of their time to social and economic measures, such as the adoption of Free Trade, Factory Acts, Company Acts, Education Acts, and Public Health Acts, than to constitutional measures. In the thirty years since 1901 we have already had two franchise Acts (1918 and 1928), the Parliament Act, which manacled the House of Lords, the Act of 1920 which set up the legislature of Northern Ireland, and the Irish Treaty of 1924, which recognised the Irish Free State. These are greater and more sweeping changes than the nineteenth century ever adopted. And the twentieth century will have to make yet greater constitutional changes if our system of government is not to break down.

It is true that we are chiefly preoccupied—and rightly so—with the problems of economic and social reconstruction. So was the nineteenth century, though in different ways. But the measures which we have adopted to deal with these problems have so immensely

enlarged the functions of government, and put so serious a strain upon its machinery, that very substantial changes are necessary if our system is to be adequate to the demands upon it.

The insensible changes of conditions and conventions are always far more important than the changes of formal law. During the last half-century, and more particularly during the last thirty years, a series of changes have come about, almost unnoticed, in the working of our institutions which have completely transformed their character.

The first of these is an enormous increase in the range and power of bureaucracy, which is now the most potent influence in our system, and which is most ineffectually controlled (pp. 41–80).

The second is the growth of Cabinet dictatorship; the Cabinet has arrogated to itself a supremacy in every sphere of government which it is quite unable to exercise efficiently, with the consequence that some of the most important functions which it ought to perform are almost or entirely neglected (pp. 87–106).

The third great change is an increased rigidity of party organisation which has provided the foundation for Cabinet dictatorship, while it has almost reduced the House of Commons to a mere registering machine (pp. 120–152).

The fourth great change is a distortion of our electoral system, through the working of elaborately organised parties in single-member constituencies, which has largely deprived the House of Commons of its representative character, and made every general election a mere gamble, of which the only thing that can be confidently said is that, whatever the result may be, it will not fairly reflect the mind of the nation (pp. 155–171).

The fifth great change is the increasing incapacity of the House of Commons to perform its work, partly

through excessive pressure of business, partly because of Cabinet dictatorship, partly owing to faults of procedure and the bewildering way in which the national accounts are presented (pp. 205–230): the result is that the House of Commons has no real control over the enormous and growing power of bureaucracy, or over the vast but inefficiently wielded powers of the Cabinet.

The sixth great change is the reduction of the House of Lords to a position of humiliating impotence, in which it is quite unable to perform the functions of a Second Chamber with any adequacy; this is in some degree due to the limitation of its powers under the Parliament Act, but mainly to the enormous increase of its size owing to wholesale creations of undistinguished peers for the purpose of financing party organisations (pp. 246–256).

The seventh great change is that, because both Houses of Parliament are incapable of exercising effective control, and are not trusted for that purpose, organised interests not recognised by the Constitution are beginning to exercise direct pressure upon, or even control over, the Government, which often pays greater deference to them than to Parliament (pp. 306–311).

Taken as a whole, these changes amount to a complete transformation of our system of government, which is now so different from the system described by Mill and Bagehot that their generalisations are no longer valid.

We elect a House of Commons to see that our government is carried on efficiently, and in accordance with the will of the nation. But the election is conducted in such a way that something like 70 per cent. of the electors have no chance of expressing their real opinions so as to influence the composition of the House; supreme power falls into the hands of a small margin of voters, often wavering, indifferent and uninstructed; and a minority, even so small as

38 per cent., may obtain an overwhelming parliamentary majority. It has come to be the accepted view that the purpose for which the election takes place is, not to criticise and control the Government, but to give a stable majority to a party Cabinet, so that it may be able to work its will. Whenever such a Cabinet obtains a clear majority, it wields all the powers of the House of Commons (thanks to the rigidity of party discipline) as well as all the powers of the Royal Prerogative. It is therefore almost omnipotent, and is able to prevent any effective criticism or control. But it is quite unable to exercise its enormous powers with efficiency, while at the same time it is jealous of all attempts on the part of Parliament to make good its deficiencies, and promptly puts a stop to them. The result is that under the cover of a quite unreal Cabinet or ministerial responsibility, real power falls more and more into the hands of bureaucracy, without which our system would fall into mere chaos. But the incessant invasions of bureaucracy, and its enormous legislative and administrative authority, cannot be left altogether unchecked; and since Parliament is impotent to check it, outside organisations are, almost unnoticed, taking up this task.

This is a dangerous and unhealthy situation, which ought to be amended. The foregoing chapters have attempted, first, to analyse the character and causes of these evils, and, secondly, to indicate where and how remedies can be found.

The root cause of the evil is the two-party system. It worked well enough when parties were loosely organised and not rigidly disciplined (pp. 117–120). But since parties have organised themselves elaborately, the system has enabled the Cabinet to achieve dictatorship, and has thus reduced Parliament to impotence. A two-party system is essentially unnatural in modern

conditions. It can only be kept in being, or restored, by the maintenance of a fundamentally vicious electoral system, and by the widespread superstition that our system of government can only work well when one party has a majority. We have shown (pp. 145–152) that this is untrue; that the two-party system does not exist in most of the countries of the world, and that in this country it does not now exist, and, if it were restored, it would certainly break down if Parliament were really representative. We have also seen that a system under which no party has a clear majority can work very efficiently, given certain conventions and a sane electoral system (pp. 190–196).

But this is not enough. We have seen, also, that to restore real efficiency and freedom to our system other substantial changes must be made. The Cabinet should be reduced in size, and reorganised (pp. 108–115); and it should be made to realise (as it would have to do if it had to work with a representative Parliament) that its responsibility can be real only in regard to broad issues of policy, not in regard to the details of administration. The procedure of the House of Commons, and the organisation of its work, must be revised so as to enable it to exercise a real control over finance and legislation (pp. 207–220 and 233–237). We need a better Second Chamber, not to prevent revolutionary change, but to revise the over-hasty legislation of the House of Commons; and, once we grasp the true functions of such a Chamber, it is not difficult to devise workable schemes for its constitution (pp. 266–278). But even so, the functions of Government are so great, and increase so steadily, that it is doubtful if the two Houses of Parliament can adequately fulfil their responsibilities. Moreover, the result of the enlargement of Government functions is an excessive centralisation which is sapping the vitality of the nation (pp. 284–288). We have therefore

examined the possibility of two kinds of devolution—first 'regional' devolution, by the creation of subordinate legislatures, especially for the control of the social services, such as already exist in America, Germany, Canada, Australia and South Africa (pp. 288–297); and, secondly, 'functional' devolution, especially in regard to economic questions, so as to ensure that industry is effectively consulted in regard to Government action which affects it (pp. 297–306).

One often hears it said that constitutional questions are only questions of machinery, and that the really vital problems are those of social reorganisation. It is difficult to listen patiently to this sort of nonsense, which is like saying that the only important thing about a cloth-factory is the production of cloth, and that therefore the nature of its machinery is unimportant. If the machinery is old-fashioned and inadequate, the output will be bad and dear. The only way to get wise constructive legislation and efficient but sympathetic administration is to ensure that the machinery for producing it is in good working order. There is a growing volume of discontent with the legislative work for which Parliament is in theory (but not in practice) responsible—with its slowness and its failure to deal with urgent problems on the one hand; with its slipshod haste and voluminous incompetence on the other. Both criticisms are justified. The only way to meet these criticisms is to mend Parliament—to make it, on the one hand, more representative of the solid, thinking mind of the nation, and less a mere reflection of party acrimonies and the momentary excitements of gambling elections, governed by wild promises and advertising 'stunts'; to make it, on the other hand, a free deliberative assembly, so organised as to be able to do its work, to control administration, to check financial waste, and to give serious consideration to new laws. There is

also a growing volume of discontent with the way in which the administrative work of government is conducted—with the excessive centralisation of authority, with the elaborations of bureaucracy, with the progressive limitation of freedom. These criticisms also are justified. The only way to meet them is to revise and strengthen the whole system whereby the work of administration is controlled.

We have entered upon a new age in which new and very difficult problems face us on all sides. Is there anyone who does not feel that these problems are being badly handled? There is too little foresight, too much concentration upon the controversies of the moment; too little co-ordination of our efforts, too much waste, friction and overlapping; too little attention to the things that matter most, upon which men of good-will agree, too much attention to the scoring of points against one another in the attempt to win victory for one party or another; too much cry and too little wool. If we cannot improve our methods of discussion, government by discussion will fall into disrepute; it is already doing so. We cannot get rid of parties, and we ought not to wish to do so. But if we cannot enable all parties to feel that they can take their fair share in getting the necessary work done—if we insist that there must be only two parties, one of which shall be impotent and the other omnipotent, in turn—the impatience with the unreality and artificiality of our system which already exists will increase to such an extent that the party system, and with it the parliamentary system, will in time be swept away. Representative government is on its trial.

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